


1-1-1974

13. Book IV, Vol. 2: Events following the Watergate break-in, March 22, 1973 -April 30, 1973 (events relating to the President's investigation of the alleged Watergate break-in and cover-up between March 22 and April 30, 1973).

Don Edwards

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15. On March 27, 1973 the President met from 11:10 a.m. to 1:30 p.m. with John Ehrlichman and from 11:35 a.m. to 1:35 p.m. with H. R. Haldeman. Ehrlichman has testified that at this meeting the President directed him to contact Attorney General Kleindienst. The President has stated that on March 27, 1973 he directed that Kleindienst be told to report directly to the President anything he found in the Watergate area. The President has produced an edited transcript of this conversation and a summary of that transcript has been prepared.

- 15.1 Meetings and conversations between the President and H. R. Haldeman, March 27, 1973.
- 15.2 Meetings and conversations between the President and John Ehrlichman, March 27, 1973.
- 15.3 John Ehrlichman testimony, 7 SSC 2747-48.
- 15.4 President Nixon's news conference, August 22, 1973, 9 Presidential Documents 1019.
- 15.5 Summary of White House edited transcript of conversation among the President, H. R. Haldeman and John Ehrlichman, March 27, 1973, 11:10 a.m. - 1:30 p.m.

16. On March 28, 1973 Mitchell and Haldeman met with Magruder in Haldeman's office. They discussed Magruder's false testimony regarding the approval of the Liddy Plan. Haldeman telephoned Dean and requested that he return from Camp David to meet with Mitchell and Magruder. Dean has testified that on his return he went directly to Haldeman's office; that Haldeman told him that Mitchell and Magruder were waiting in another office to discuss with Dean his knowledge of the January and February 1972 meetings in Mitchell's office; that Dean said he would not lie about those meetings; and that Haldeman said he did not want to get into it but Dean should work it out with Mitchell and Magruder. Dean met with Mitchell and Magruder. Following the meeting, both Mitchell and Dean reported to Haldeman that there was a problem as to what the facts were regarding the 1972 meetings.

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- 16.1 H. R. Haldeman deposition, Democratic National Committee v. McCord, May 22, 1973, 213-18, 222-23, 229.
 - 16.2 John Dean testimony, 3 SSC 1005-07.
 - 16.3 John Dean testimony, 4 SSC 1379, 1425.
 - 16.4 H. R. Haldeman telephone log, March 28, 1973 (received from SSC).
 - 16.5 John Mitchell testimony, 4 SSC 1634-35.
 - 16.6 John Mitchell testimony, 5 SSC 1914.
 - 16.7 Jeb Magruder testimony, 2 SSC 807-08.
 - 16.8 Jeb Magruder testimony, SSC Executive Session, June 12, 1973, 111-14.

17. On March 28, 1973 John Ehrlichman telephoned Attorney General Kleindienst on the President's instructions and asked Kleindienst a series of questions which the President had dictated and which Ehrlichman had hand written on a piece of paper. Ehrlichman, during the conversation, told Kleindienst that the President directed him to tell the Attorney General that the best information he had or has is that neither Dean, Haldeman, Colson nor Ehrlichman nor anybody in the White House had any prior knowledge of the Watergate burglary: that the President was counting on the Attorney General to provide him with any information to the contrary and to contact him direct. Ehrlichman also told the Attorney General that serious questions are being raised with regard to John Mitchell and the President wanted the Attorney General to communicate to him any evidence or inferences on that subject.

- 17.1 John Ehrlichman log, March 28, 1973 (received from SSC).
- 17.2 John Ehrlichman testimony, 7 SSC 2747-50.
- 17.3 Richard Kleindienst testimony, 9 SSC 3569.
- 17.4 Transcript of recorded telephone conversation between Ehrlichman and Kleindienst, March 28, 1973, SSC Exhibit No. 99, 7 SSC 2944-46.
- 17.5 Dictabelt recording of a telephone conversation between Ehrlichman and Kleindienst on or about March 28, 1973 and House Judiciary Committee transcript thereof.
- 17.6 President Nixon statement, August 15, 1973, 9 Presidential Documents 993.
- 17.7 President Nixon news conference, August 22, 1973, 9 Presidential Documents 1019.

18. On August 22, 1973 the President publicly stated that on the 29th of March he directed Ehrlichman to continue the investigation that Dean was unable to conclude.

18.1 President Nixon news conference, August 22, 1973,
9 Presidential Documents 1019.

19. On March 29, 1973 a report of James McCord's testimony at an executive session in the Senate Select Committee on March 28, 1973 appeared in the national press. The report said, among other things, that McCord testified that he had been told that John Mitchell, Charles Colson, John Dean and Jeb Magruder had prior knowledge of the Water-gate bugging operation.

19.1 Washington Post, March 29, 1973, A1, A18.

20. On August 15, 1973 the President stated that when he learned on March 30 that Dean had been unable to complete his report, he instructed Ehrlichman to conduct an independent inquiry and to bring all the facts to him. On March 30, 1973 the President met with John Ehrlichman and Ronald Ziegler from 12:02 to 12:18 p.m. According to the White House edited transcript of this meeting, the only subject discussed was a draft statement to be issued by Ziegler at a press briefing. Ehrlichman has testified that at the noon meeting the President directed him to conduct an inquiry into the Watergate matter. Ehrlichman has testified that the President said he was satisfied John Dean was in this so deeply that he simply could not any longer have anything to do with it; that the President needed to know about executive privilege and the attorney-client privilege; that the President needed someone to set strategy with regard to testifying at the Committee and the grand jury and other places; and that the President needed the truth about the Watergate matter.

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- 20.1 President Nixon statement, August 15, 1973, 9 Presidential Documents 993.
 - 20.2 Meetings and conversations between the President and John Ehrlichman, March 30, 1973 (received from White House).
 - 20.3 John Ehrlichman log, March 30, 1973 (received from SSC).
 - 20.4 White House edited transcript of conversation among the President, John Ehrlichman and Ronald Ziegler, March 30, 1973, 12:02 to 12:18 p.m.

- 20.5 John Ehrlichman testimony, 7 SSC 2747-50.
- 20.6 John Ehrlichman deposition, Democratic National Committee v. McCord, March 22, 1973, 64, 155-56.

21. On March 30, 1973 at 12:30 p.m. Ehrlichman met with Fielding, Dean's assistant. Ehrlichman has testified that he had directed Fielding to deliver Dean's personnel records to Ehrlichman and to brief Ehrlichman about allegations that Dean had been dismissed by a law firm because of unethical conduct. At 3:00 p.m. on March 30, 1973 Ehrlichman and the President flew to San Clemente, where Haldeman joined them on April 1, 1973. They remained in San Clemente until April 8, 1973. While they were at San Clemente, Ehrlichman had a long distance telephone conversation with Dean in which they discussed the allegations that Dean had been involved in unethical conduct.

21.1 John Ehrlichman logs, March 30 and April 8, 1973
(received from SSC).

21.2 John Ehrlichman testimony, 7 SSC 2753.

21.3 H. R. Haldeman testimony, 7 SSC 2903.

22. On March 30, 1973 Ronald Ziegler stated in a press briefing that no one in the White House had any involvement in the Watergate matter. Ziegler also announced that the President reiterates his instructions that any member of the White House staff would appear before the grand jury if called to answer questions regarding that individual's alleged knowledge or possible involvement in the Watergate matter.

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- 22.1 Transcript of White House press briefing, March 30, 1973, No. 1704, 708 (received from Watergate Grand Jury).
 - 22.2 Ronald Ziegler press briefing, March 30, 1973, White House edited transcripts, Appendix 12.
 - 22.3 Ronald Ziegler testimony, Watergate Grand Jury, February 12, 1974, 71-72 (received from Watergate Grand Jury).

23. On March 30, 1973 John Dean retained Charles Shaffer, a criminal lawyer, and met with Shaffer and another attorney, Thomas Hogan, to discuss the break-in at the DNC headquarters and the events that followed. Haldeman has testified that Dean had indicated earlier that he might retain a private attorney so that Dean -- and, through him, the President -- could consult an attorney familiar with criminal law on the implications of some of Dean's concerns. On the afternoon of April 2, 1973 Dean's lawyers began a series of meetings with the Watergate prosecutors.

23.1 John Dean testimony, 3 SSC 1009.

23.2 H. R. Haldeman testimony, 7 SSC 2903.

24. On March 30, 1973 newspaper reports stated that Robert Reisner, former Administrative Assistant to Jeb Magruder at CRP, was to be subpoenaed by the staff of the SSC. Magruder has testified that he realized that his story about his 1972 meetings with Mitchell, Dean and Liddy would not hold up when it became clear to him that, among other things, the SSC had begun an investigation and Reisner, who knew about the meetings and who had previously been missed by the prosecutors, would be gotten to. On March 31, 1973 Magruder, who previously had been represented by the attorneys for CRP, retained James Bierbower as his personal attorney.

24.1 Washington Post, March 30, 1973, A1, A6.

24.2 Robert Reisner testimony, 2 SSC 489, 508-10.

24.3 Jeb Magruder testimony, 2 SSC 805-06, 808.

25. On April 2 Ronald Ziegler issued a public statement criticizing the Senate Select Committee as being plagued by irresponsible leaks of tidal wave proportions. Ziegler stated that the White House intends to cooperate with the Committee but called on Senator Ervin to get his own disorganized house in order so that the investigation can go forward in a proper atmosphere of traditional fairness and due process.

25.1 Washington Post, April 3, 1973, A1, A4.

26. On April 4, 1973 Dean told Haldeman that his lawyers had met privately with the prosecutors.

26.1 H. R. Haldeman testimony, 7 SSC 2903.

27. On April 5, 1973 L. Patrick Gray called the President and requested that his nomination as permanent Director of the FBI be withdrawn. According to Gray, the President told him that this was a bitter thing to have happened to Gray and there will be a place for Gray in the Nixon administration. The President informed Gray that he wanted him to serve as Acting FBI Director until a successor was confirmed. In a public statement issued by the President on April 5, 1973 announcing the withdrawal of Gray's name, the President praised Gray and stated that his compliance with Dean's completely proper and necessary request for FBI reports exposed Gray to totally unfair innuendo and suspicion.

27.1 L. Patrick Gray testimony, 9 SSC 3545-46.

27.2 President Nixon statement, April 5, 1973,
9 Presidential Documents 335.

28. On April 5, 1973 John Ehrlichman met in San Clemente, California with Paul O'Brien. According to Ehrlichman, O'Brien had asked to meet with H. R. Haldeman to transmit some information to the President. According to Ehrlichman's testimony and notes, O'Brien told him that he had obtained information from Jeb Magruder and others concerning, among other things, Magruder's and Mitchell's involvement in meetings in which the Liddy Plan for electronic surveillance with a budget of \$100,000 to \$250,000 was outlined; Magruder's testimony concerning the number of meetings among John Mitchell, Gordon Liddy, John Dean and Magruder; Magruder's claim that Charles Colson called him urging that the program go forward; Magruder's claim that Gordon Strachan came to him and said the President wants this project to go on; payments that had been made to the defendants and their attorneys; and possible offers or commitments regarding executive clemency to Liddy, Howard Hunt and James McCord. O'Brien told Ehrlichman that neither Magruder nor Mitchell were inevitably hung and that Dean was the key problem. Ehrlichman's notes also state "must close ranks," "JNM will tough it out," "H must bring Jeb up short" and, written below "Jeb," "shut up" and "stop seeing people." After this meeting Ehrlichman met with the President. Ehrlichman has testified that he reported to the President after he had talked to O'Brien.

28.1 John Ehrlichman log, April 5, 1973 (received from SSC).

28.2 John Ehrlichman testimony, 7 SSC 2729-36, 2751.

- 28.3 John Ehrlichman notes of April 5, 1973 meeting with Paul O'Brien, SSC Exhibit No. 98, 7 SSC 2915, 2922-31.
- 28.4 Meetings and conversations between the President and John Ehrlichman, April 5, 1973 (received from White House).

29. On April 6, 1973 Ehrlichman met with Kalmbach in the Bank of America parking lot in San Clemente, California. Ehrlichman's notes dictated after the meeting reflect a discussion of Kalmbach's activities in raising and disbursing money for the Watergate defendants. Kalmbach told Ehrlichman that he had retained the services of an attorney, Paul O'Connor.

- 29.1 John Ehrlichman log, April 6, 1973 (received from SSC).
- 29.2 John Ehrlichman testimony, 7 SSC 2752, 2768, 2773.
- 29.3 John Ehrlichman notes of April 6, 1973 meeting with Herbert Kalmbach, Exhibit No. 100, 7 SSC 2947.

30. On April 8, 1973 Dean started to meet with the prosecutors. While meeting with the prosecutors, Dean received a call from Air Force One from Haldeman's assistant Lawrence Higby, who asked Dean to be in Ehrlichman's office that afternoon for a meeting. Ehrlichman and Haldeman met with Dean from 5:00 until 7:00 p.m. There was a discussion of the possibility of a grand jury appearance by Dean. Ehrlichman has testified that they discussed, among other things, what this "hang up" was between Mitchell and Dean and Dean's feeling that Mitchell did not want Dean to talk to the prosecutors or appear before the grand jury. Ehrlichman has also testified that the President decided on the flight that he wanted Dean to go to the grand jury, and that Ehrlichman and Haldeman conveyed that to Dean at the meeting.

30.1 John Dean testimony, 3 SSC 1010-11.

30.2 John Ehrlichman log, April 8, 1973 (received from SSC).

30.3 John Ehrlichman testimony, 7 SSC 2753-54.

31. On April 8, 1973, from 7:33 to 7:37 p.m., the President and John Ehrlichman spoke by telephone. The President has produced an edited transcript of that conversation. A summary has been prepared of that transcript.

31.1 Meetings and conversations between the President and John Ehrlichman, April 8, 1973 (received from White House).

31.2 House Judiciary Committee summary of White House edited transcript of conversation between the President and John Ehrlichman, April 8, 1973, 7:33-7:37 p.m.

32. On April 11, 1973 Attorney General Kleindienst had a conversation with Assistant Attorney General Petersen. Kleindienst told Petersen that Ehrlichman had just called to tell Kleindienst that he did not feel that any White House aides should be granted immunity.

32.1 Henry Petersen testimony, 9 SSC 3627, 3629.

33. On or about April 12, 1973 Ehrlichman met with Haldeman's assistant Gordon Strachan. Ehrlichman has testified that Strachan said that he had just returned from the grand jury and that upon leaving the grand jury room he had realized that the testimony he had given was mistaken with respect to the amount of money he had delivered to Fred LaRue. Ehrlichman has testified that he advised Strachan to get an attorney and, subject to the attorney's advice, to tell the prosecutor that he had made a mistake in his testimony.

33.1 John Ehrlichman log, April 12, 1973 (received from SSC).

33.2 John Ehrlichman testimony, 7 SSC 2767.

May 23, 1974

Ref to edited W.H. transcripts.

2 observations - Ooac

① Comp prior to 21 Mar. (June, 1972, 20 Mar 73)
Proc has refused these tapes. Expect for 1 meeting
Mar 17 - not rec'd 1 scrap material
for WH. Did rec stuff for Spec Proc.
Sept 15, 72 tape 12 min furnished stuff
by mistake. 1st sub asked coms Feb, 73.
Reg Feb 27 P & E. Repman said none.
Reg Mar 17 D & P. Furr edited transe.
So as to wg aftermath, prior to Mar 21, 73.
just got one edited transe, Mar 20, 73.

② Re edited Transe. need relevancy & reliability.
Ooac has serious reservations about reliability
these transe. many inconsistencies with
our transcripts. 6 categories inaccuracy.
Compared ours & theirs.

1. misstatements
2. omission
3. Paraph
4. mis-assignment of voice
5. Selection - relevance
6. unintell.

Selection - references "material unrelated
deleted." No precedent this kind of judgment
what's test?

15. On March 27, 1973 the President met from 11:10 a.m. to 1:30 p.m. with John Ehrlichman and from 11:35 a.m. to 1:35 p.m. with H. R. Haldeman. Ehrlichman has testified that at this meeting the President directed him to contact Attorney General Kleindienst. The President has stated that on March 27, 1973 he directed that Kleindienst be told to report directly to the President anything he found in the Watergate area. The President has produced an edited transcript of this conversation and a summary of that transcript has been prepared.

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b6 b7C

March 24, 1973

AM 11:36 President placed local call to Haldeman

PM 12:15 2:55 President met with Haldeman

March 25, 1973

AM 9:35 President placed local call to Haldeman

10:10 1:05 President met with Haldeman

March 26, 1973

AM 9:39 President placed local call to Haldeman

10:15 1:00PM President met with Haldeman
Ziegler 11:00 - 12:15PM 1:15 3:45 President met with Haldeman
Ziegler 3:10 - 3:11

March 27, 1973

AM 9:47 10:55 President met with Haldeman

11:35 1:30PM President met with Haldeman

Ehrlichman 11:10 - 1:30

Ziegler 11:30 - 11:40

Bull 11:45 - 11:46 and

1:16 1:17

PM 4:20 5:20 President met with Haldeman

6:05 7:10 President met with Haldeman

March 28, 1973

AM 8:45 9:00 President met with Haldeman

PM 12:45 1:45 President met with Haldeman

Bull 1:16 - 1:17

4:20 4:40 President met with Mr. Haldeman

7:17 7:32 President placed local call to Haldeman

8:50 9:09 President received local call from Haldeman

John D. Ehrlichman

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W 11
V 11

March 23, 1973

AM	11:34	11:41	President received long distance call from Mr. Ehrlichman
	11:46	12:05PM	President received long distance call from Mr. Ehrlichman

March 27, 1973

	11:07	11:08	President placed local call to Mr. Ehrlichman
AM	11:10	1:30PM	President met with Mr. Ehrlichman (Mr. Ziegler 11:30-11:40) (Mr. Haldeman 11:35-1:30) (Mr. Bull 11:45-11:46)
PM	6:03	6:05	President placed local call to Ehrlichman

March 28, 1973

PM	7:55	7:56	President placed local call to Ehrlichman
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March 29, 1973

PM	5:35	6:24	President met with Mr. Ehrlichman
PM	2:45	4:20	President met with Mr. Ehrlichman (Mr. Haldeman 2:46-4:45) (Mr. Ziegler 3:01-3:30) (Marjorie P. Acker 4:05-4:06)
	6:25	6:26	President placed local call to Ehrlichman

101536

March 30, 1973

AM	9:07	10:18	President met with Messrs. Ehrlichman, Helmut Sonnenfeldt, George P. Shultz to discuss domestic issues & Sec. Shultz's trip to Western Europe & U.S.S.R.
PM	12:02	12:18	President met with Messrs. Ehrlichman and Ziegler

W 11
V 11

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION

WATERGATE AND RELATED ACTIVITIES

Phase I: Watergate Investigation

WASHINGTON, D.C., JULY 26, 27, AND 30, 1973

Book 7



Printed for the use of the
Select Committee on Presidential Campaign Activities

U.S. GOVERNMENT PRINTING OFFICE

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Washington, D.C. 20402 - Price \$3

other words, he was not going to move against anybody until he had this down and could see what this fellow really had and then would go forward.

Senator GURNEY. Well now, around about this time or somewhat later, and there are so many meetings here that I have really forgotten which occurred when, so perhaps I am going to have to rely on you for that, but did the President lift the phone up at any time and say, "John I want you to come over to the office here and talk about Watergate, what you know about it."

Mr. EHRLICHMAN. No, sir, not until way late in the game. He lifted up the phone one day and called me down and said, "I am satisfied that John Dean is in this so deeply that he simply cannot any longer have anything to do with it."

Senator GURNEY. That is when he transferred the assignment to you?

Mr. EHRLICHMAN. Yes, sir.

Senator GURNEY. What date was that?

Mr. EHRLICHMAN. March 30.

Senator GURNEY. And tell us again precisely what transpired in that phone conversation beyond what you have already.

Mr. EHRLICHMAN. Well, that was a meeting in the President's office on March 30, and it was, as I recall, quite brief. We had had, we were getting ready to leave that same day, as a matter of fact, for California, and he called me down, I am looking for the time to help me, to recall the time of departure here. Yes, we leave at 3 o'clock in the afternoon, we had had a long meeting that morning with Secretary Shultz and Mr. Sonnenfeld about the economy, and that ran from 9 a.m. to about, I don't know, what, 10 a.m. or 11 a.m., something of that kind, a long session, as I recall. He called me down for just about 10 minutes at noontime, and said what I have just told you, and I said, "Well, what is it you expect me to do basically" and he said, "I want you to step into what Dean has been doing here. I need to know about executive privilege, I need to know about attorney-client privilege, I need to have somebody set this strategy with regard to testifying at the committee and the grand jury and these other places and I need to know where the truth lies in this thing." And the only tipoff that I had had to that was a request from him on the 27th, I believe it was, yes, on the 27th.

Senator GURNEY. Is that the meeting between 11 a.m. and 1 p.m. with the President?

Mr. EHRLICHMAN. I believe—yes, yes indeed. That was for the purpose of dictating to me a list of questions that he wanted put to the Attorney General, and I believe that telephone call to the Attorney General which actually was not completed until the next day because he was traveling, is in your file, phone call with Kleindienst on the 28th, and I then went down a handwritten list of questions that the President had put to me about the progress of the case, about the involvement of John Mitchell, possible, any possible evidence that Kleindienst might have, any possible evidence of anybody else being involved at the Committee To Re-Elect, any evidence of any White House staff being involved and the President told me to tell the Attorney General that if he had any such evidence or if he developed any

such evidence, that he was then to transmit it directly to the President, not through me, not through anybody else at the White House but direct to the President, and in that message I did, as you see in the transcript, that I did transmit to the Attorney General.

Senator GURNEY. Do we have those questions that he——

Mr. EHRLICHMAN. No, sir, you do not. They are a part of my notes of the meeting of the 27th which are in the President's file.

Senator GURNEY. How many questions were there?

Mr. EHRLICHMAN. Well, there are about 10 or 12 topics, I think, written out on a piece of paper.

Senator GURNEY. Would you give us to the best of your recollection what the topics were and what the questions were?

Mr. EHRLICHMAN. I think I can do that best. Senator, by looking at that telephone conversation and—because I think that that transcript is quite faithful to the list. I just went down the list in talking with the Attorney General. I don't seem to have that in my——

Senator GURNEY. The telephone.

Mr. EHRLICHMAN. The telephone call with Mr. Kleindienst on the 28th.

Senator GURNEY. I wonder if the committee would hand this to the witness, Mr. Ehrlichman. That apparently is it. If we have another copy I wish I could have it, too, but I think it is better you have it at the moment.

Mr. EHRLICHMAN. We have a copy here; I may have stuck it back in the file.

Thank you very much.

Senator GURNEY. I have a copy here now.

Senator ERVIN. Let the reporter assign that the appropriate exhibit number.

[The document referred to was marked exhibit No. 99.*]

Mr. EHRLICHMAN. Actually the first sentence, as I recall, is only partly on this transcript and it said, "There are a number of things the President wanted me to cover with you," and only the latter half of that sentence is in the transcript.

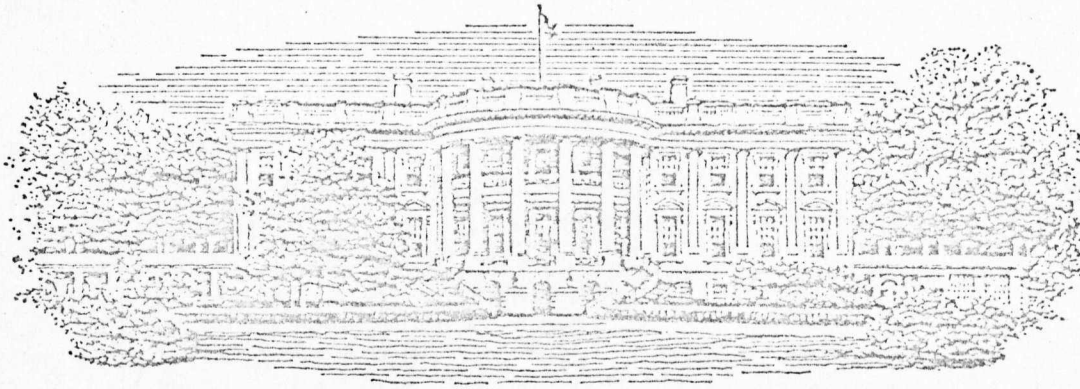
Senator GURNEY. If we could, Mr. Ehrlichman, this is very important, but if you could summarize these as briefly as you can it will help out the committee because I think my own time is running out here.

Mr. EHRLICHMAN. You will see in the fourth paragraph I said, "No. 1, he wanted me to ask you these two things that I did yesterday about the grand jury and about Baker," meaning Senator Baker, and then we go into an inquiry about some statements that Senator Weicker had made to the press which the President had asked Pat Gray to check into. Then, and the President wanted a report on whether Senator Weicker had any evidence or not to support these assertions.

Senator GURNEY. I think perhaps you had better explain a little more about Senator Baker who is not here so we can know that there is no——

Mr. EHRLICHMAN. Well, the President had designated John Dean as the White House contact on Watergate, or the White House leadman on Watergate, as I say in February. He had also designated the Attorney General as the administration contact to the committee, and had

*See p. 2944.



Weekly Compilation of
**PRESIDENTIAL
DOCUMENTS**

Monday, August 20, 1973



Volume 9 • Number 33

Pages 981-1005

ACTION

*Announcement of Intention To Nominate
Harry J. Hogan To Be Associate Director for
Policy and Program Development.
August 21, 1973*

The President today announced his intention to nominate Harry J. Hogan, of Bethesda, Md., to be Associate Director of ACTION for Policy and Program Development. He will succeed Charles W. Ervin, who resigned effective September 4, 1973.

Since 1972, Mr. Hogan has been director of government relations for Catholic University, in Washington, D.C. From 1971 to 1972, he was engaged in the private practice of law, served as a consultant on educational and environmental matters, and was professor of law at Delaware Law School, in Wilmington, Del. From 1969 to 1971, he was counsel of the House Special Subcommittee on Education.

He was born on May 2, 1914, in Newark, N.J. Mr. Hogan was graduated magna cum laude from Princeton University, received his LL.B. from Columbia Law School, and received his Ph. D. in American History from George Washington University. He served in the U.S. Navy during World War II, attaining the rank of commander.

From 1947 to 1952, Mr. Hogan was on the legal staff of the Tennessee Valley Authority, the Bureau of Land Management, and the Bureau of Indian Affairs. From 1952 to 1961, he was engaged in the private practice of law in The Dalles, Oreg., where he was twice elected District Attorney (1956 and 1960). From 1961 to 1968, Mr. Hogan served as general counsel of the Bonneville Power Administration, in Portland, Oreg.; as Associate Solicitor for Water and Power of the Department of the Interior, and as Legislative Counsel of the Department of the Interior.

Mr. Hogan is married and has three daughters. The Hogans reside in Bethesda, Md.

NOTE: The announcement was released in San Clemente, Calif.

THE PRESIDENT'S NEWS CONFERENCE OF AUGUST 22, 1973

Held at the Western White House

SECRETARY OF STATE

THE PRESIDENT. Ladies and gentlemen, I have an announcement before going to your questions.

It is with the deep sense of not only official regret, but personal regret, that I announce the resignation of Secretary of State William Rogers, effective September 3. A letter, which will be released to the press after this conference, will indicate my appraisal of his work as Secretary of State.¹

I will simply say at this time that he wanted to leave at the conclusion of the first 4 years. He agreed to stay on because we had some enormously important problems coming up, including the negotiations which resulted in the end of the war in Vietnam, the Soviet summit, the European Security Conference, as well as in other areas—Latin America and in Asia—where the Secretary of State, as you know, has been quite busy over these past 8 months.

As he returns to private life, we will not only miss him, in terms of his official service, but I shall particularly miss him because of his having been, through the years, a very close personal friend and adviser.

That personal friendship and advice, however, I hope still to have the benefit of, and I know that I will.

¹ For an exchange of letters between the President and Secretary of State Rogers, see page 1025 of this issue.

THE PRESIDENT. I don't believe, first, it would satisfy the public mind, and it should not. The second point is that as Mr. Wright, who argued the case, I understand very well, before Judge Sirica this morning, has indicated, to have the tapes listened to—he indicated this also in his brief—either by a prosecutor or by a judge or *in camera*, or in any way, would violate the principle of confidentiality, and I believe he is correct. That is why we are standing firm on the proposition that we will not agree to the Senate committee's desire to have, for example, its chief investigator listen to the tapes, or the Special Prosecutor's desire to hear the tapes, and also why we will oppose, as Mr. Wright did in his argument this morning, any compromise of the principle of confidentiality.

Let me explain very carefully that the principle of confidentiality either exists or it does not exist. Once it is compromised, once it is known that a conversation that is held with the President can be subject to a subpoena by a Senate committee, by a grand jury, by a prosecutor, and be listened to by anyone, the principle of confidentiality is thereby irreparably damaged. Incidentally, let me say that now that tapes are no longer being made, I suppose it could be argued that, what difference does it make now, now that these tapes are also in the past. What is involved here is not only the tapes; what is involved, as you ladies and gentlemen well know, is the request on the part of the Senate committee and the Special Prosecutor, as well, that we turn over Presidential papers, in other words, the records of conversations with the President made by his associates. Those papers, and the tapes as well, cannot be turned over without breaching the principle of confidentiality. It was President Truman that made that argument very effectively in his letter to a Senate committee, or his response to a Congressional committee, a House committee it was, in 1953, when they asked him to turn over his papers. So whether it is a paper or whether it is a tape, what we have to bear in mind is that for a President to conduct the affairs of this office and conduct them effectively, he must be able to do so with the principle of confidentiality intact. Otherwise, the individuals who come to talk to him, whether it is his advisers, or whether it is a visitor in the domestic field, or whether it is someone in a foreign field, will always be speaking in a cunuch-like way, rather than laying it on the line as it has to be laid on the line if you are going to have the creative kind of discussion that we have often had, and it has been responsible for some of our successes in the foreign policy period, particularly in the past few years.

Q. Mr. President, could you tell us who you personally talked to in directing that investigations be made both in June of '72, shortly after the Watergate incident, and last March 21, when you got new evidence and ordered a more intensive investigation?

THE PRESIDENT. Certainly. In June, I, of course, talked to Mr. MacGregor first of all, who was the new chairman of the committee. He told me that he would conduct a thorough investigation as far as his entire com-

mittee staff, was concerned. Apparently that investigation was very effective except for Mr. Magruder, who stayed on. But Mr. MacGregor does not have to assume responsibility for that. I say not responsibility for it because basically what happened there was that he believed Mr. Magruder, and many others have believed him, too. He proved, however, to be wrong.

In the White House, the investigation's responsibility was given to Mr. Ehrlichman at the highest level, and in turn he delegated them to Mr. Dean, the White House Counsel, something of which I was aware, and of which I approved.

Mr. Dean, as White House Counsel, therefore sat in on the FBI interrogations of the members of the White House Staff because what I wanted to know was whether any member of the White House Staff was in any way involved. If he was involved, he would be fired. And when we met on September 15, and again throughout our discussions in the month of March, Mr. Dean insisted that there was not—and I use his words—"a scintilla of evidence" indicating that anyone on the White House Staff was involved in the planning of the Watergate break-in.

Now, in terms of after March 21, Mr. Dean first was given the responsibility to write his own report, but I did not rest it there. I also had a contact made with the Attorney General himself, Attorney General Kleindienst, told him—it was on the 27th of March—to report to me directly anything that he found in this particular area, and I gave the responsibility to Mr. Ehrlichman on the 29th of March to continue the investigation that Mr. Dean was unable to conclude, having spent a week at Camp David and unable to finish the report.

Mr. Ehrlichman questioned a number of people in that period at my direction, including Mr. Mitchell, and I should also point out that as far as my own activities were concerned, I was not leaving it just to them. I met at great length with Mr. Ehrlichman, Mr. Haldeman, Mr. Dean and Mr. Mitchell on the 22d. I discussed the whole matter with them. I kept pressing for the view that I had had throughout, that we must get this story out, get the truth out, whatever and whoever it is going to hurt, and it was there that Mr. Mitchell suggested that all the individuals involved in the White House appear in an executive session before the Ervin committee. We never got that far, but at least that is an indication of the extent of my own investigation.

Q. Mr. President, you have said repeatedly that you tried to get all the facts, and just now you mentioned the March 22 meeting. Yet former Attorney General John Mitchell said that if you had ever asked him at any time about the Watergate matter, he would have told you the whole story, chapter and verse. Was Mr. Mitchell not speaking the truth when he said that before the committee?

THE PRESIDENT. Now, Mr. Liagor, I am not going to question Mr. Mitchell's veracity, and I will only say that throughout I had confidence in Mr. Mitchell. Mr. Mitch-

15.5

70 Pages. This summarizes it.

SUMMARY OF WHITE HOUSE EDITED TRANSCRIPT

MARCH 27, 1973, 11:10 A.M. TO 1:30 P.M.

On March 27, 1973, the President met in his EOB office with Haldeman, Ehrlichman and Ziegler between 11:10 a.m. and 1:30 p.m. The meeting opened with a brief discussion of creation of a "Watergate Commission." (pp. 1-2) The President then discussed with Ziegler and Ehrlichman possible responses to press inquiries concerning whether John Dean would testify before a grand jury. (pp. 2 ff.) In the middle of this discussion there is a notation "Material unrelated to Presidential action deleted." (p. 4) The President instructed Ziegler, should an inquiry be made, to "stall them off today" by stating that "that is not before us at this time" but that "there will be complete cooperation consistent with the responsibilities that everybody has on the separation of powers" and consistent with Mr. Dean's responsibility as Counsel. (p. 6) The President told Ziegler to refer to Dean as Counsel to the White House rather than Counsel to the President. (p. 4) The discussion of this topic concludes with the notation "Material unrelated to Presidential actions deleted." (p. 7)

Ehrlichman told the President that he would soon be given names of possible nominees for the position of Director of the FBI. Ehrlichman said, "I hope you will look into that guy that (unintelligible) mentioned." The President responded that "A judge with a prosecuting background might be a hell of a good thing." The President indicated

that a new nomination should be announced at the same time as withdrawal of Gray's nomination is announced, and he hoped this would take place the following week. (p. 7)

The President and Ehrlichman discussed getting Attorney General Kleindienst "out front." The President at one point apparently misinterpreted a statement by Ehrlichman to mean "get him [Kleindienst] out of the office" [of Attorney General], and said "I am afraid its (unintelligible) of canning him right away." (p. 8)

Haldeman said all he had was Dean's report and that "I did not talk to Mitchell, because this thing changed what you might want from Mitchell." Haldeman said that Paul O'Brien thought "Mitchell could cut this whole thing off, if he would just step forward and cut it off"; that O'Brien said "The fact of the matter is as far as [O'Brien] could determine, Mitchell did sign off on the Liddy Plan; according to O'Brien, "if that's what it is, the empire will crack." Haldeman said Dean also believed Mitchell did sign off, but that neither O'Brien nor Dean was able to prove that. (p. 9)

According to Haldeman, Magruder told O'Brien that the Liddy plan was put together "by the White House, by Haldeman, Dean and others." Haldeman said he did have a discussion with Mitchell about the need for intelligence activity, but that this was before Liddy was hired by the Committee. (p. 10) Haldeman related that O'Brien said Liddy, after having joined CRP, developed two intelligence plans that had

been rejected or "didn't get bought," but that later Colson told Magruder to "at least listen" to the plans, and that Strachan called Magruder and said Haldeman told him to get this going, "[t]he President wants it done and there is to be no more arguing about it." Haldeman said Magruder told Mitchell that Strachan "had told him to get it going on Haldeman's orders on the President's orders" to which Mitchell allegedly responded "OK, if they say do it, go ahead," referring to the Liddy program including the bugging. (pp. 10-11) Haldeman then said Magruder said that at some later point Mitchell read the riot act to Liddy "on the poor quality of. (unintelligible)."

Haldeman mentioned Dean's theory that Mitchell and Magruder realized "that they now have their ass in this thing, and . . . are trying to untangle it," not necessarily "working together again." Haldeman said Dean believed that "In the process of that they are mixing apples and oranges for their own protection" and "remembering various things in connection with others, like Liddy and Hunt." At this point the transcript notes "Material not related to Presidential actions deleted." (p. 12)

Haldeman then said that Dean said Magruder did not realize how little Dean told Liddy and that Dean "never got into any setting up an elaborate intelligence apparatus." Haldeman reiterated what Dean said occurred at the two Liddy plan meetings in Mitchell's office,

and then told the President that after the second meeting Dean told Haldeman "that he had just seen this wrap-up on it, and that it was impossible," that "they shouldn't be doing it," and that "we shouldn't be involved in it and we ought to drop the whole thing." (pp. 13-14) Dean further had told Haldeman Dean thought "'they had turned it off and in any event I wanted to stay ten miles away from it, and did.'" After that, Haldeman said Dean told him, the problem from early January was that Liddy "was never really given any guidance" from Mitchell or Magruder. (p. 14)

Haldeman told the President that "O'Brien says that Magruder's objective in holding at the moment is a meeting with Mitchell and me" and that "what he has told the lawyers, that will be a shot across the bough [sic] and tear down the meeting place." According to Haldeman, "O'Brien doesn't really believe Jeb, but he's not sure." (p. 15) The President asked whether O'Brien and Parkinson were involved in the Watergate matter and Haldeman responded that they were involved in post-June 17 activities.

Haldeman told the President that Hunt was at the grand jury that day and "we don't know how far he is going to go." (p. 16) Haldeman said, referring to Hunt, "The danger area for him is on the money, that he was given money." Haldeman stated to the President that Hunt was not as desperate today as he was yesterday, but that he was still on the brink or at least shaky. Haldeman said the reason Hunt was shaky was

that McCord had talked and probably would walk out scot free. The President said "Scot free and a hero," and Haldeman said "And he [Hunt] doesn't like that. He figures here's my turn. And that he may go -- ." The President responded, "That's the way I would think all of them would feel." However, O'Brien felt, according to Haldeman, that Hunt would not seek "to get people" but would gradually "do what he had to do" to "take care of himself" and get himself into the same position as McCord. Haldeman said, "He feels, in summary, that on both Hunt and Magruder questions we're not really in the crunch that we were last night" and "he is not as concerned as he was when he talked with you last night." (p. 17)

Haldeman (apparently passing on Dean's view) said Judge Sirica probably would grant immunity to Liddy, and that Liddy's "intention, as of now at least, is to refuse to talk" despite immunity, so he would be in contempt. The President said, "I will almost bet that is what Liddy will do." (pp. 17-18)

The President and Ehrlichman stated that they believed that Dean had no prior knowledge of the break-in. (pp. 18-19) The President also stated that he knew "most everybody except Bob, and perhaps you, think Colson knew all about it," but indicated he did not think that Colson knew about the intelligence plan. The President said Colson was "always coming to me with ideas" but didn't mention it, although "I think he would have said, 'Look we've gotten some information.'" "But,"

the President said, "I was talking to Colson, remember exclusively about -- and maybe that was the point -- exclusively about issues."
(p. 19) The President said "as a matter of fact I didn't even know -- I didn't know frankly that the Ellsberg thing, etc. -- electronically thing -- you know what I mean?" The President, after an "unintelligible" remark by Ehrlichman, went on to say "And I guess you deliberately didn't want me -- ", to which Ehrlichman responded "Well, sir, I didn't know . . . what this crowd were up to until afterwards." The President said "Right." (p. 20)

The President said that

Well, the thing is too, that I know they talk about this business of Magruder's, saying that Haldeman had ordered, the President had ordered, etc., of all people who was surprised on the 17th of June -- I was in Florida -- was me. . . . And I read the paper. What in the name of (expletive removed) is this? I just couldn't believe it. So you know what I mean -- I believe in playing politics hard, but I am also smart. What I can't understand is how Mitchell would ever approve.
(p. 21)

The President said that Mitchell and Liddy could both be telling the truth, because although Mitchell could say he never approved the plan, Liddy just assumed he had abstract approval. (p. 23) The President said

You've got to figure the lines of defenses that everybody's going to take here. That's Mitchell's. Right? What's Haldeman's line of defense? Haldeman's

line of defense, "I never approved anything of the sort. I just" -- you know that -- What's Ehrlichman's? There is no doubt he knows nothing about it. (pp. 23-24)

After a brief discussion of earlier wiretapping involving Ehrlichman, which the President suggested "You would say it was ordered on a national security basis," Ehrlichman said:

Let me go back and pick up this business about taps. I think -- I have done some checking and I want you to get the feel for what I would say if this Hunt thing slopped over on me. (p. 24)

The President responded that "Incidentally, my view is -- I don't know Hunt -- I don't think Hunt will do that." Ehrlichman said he did not think so either, and the President said, "You don't think he is going to have to take a fall for (unintelligible) any burglary? If he does " Ehrlichman then outlined his proposed "line of response," that from the time he [Ehrlichman] was Counsel to the President "we were very concerned" over national security leaks; that there had been three serious national security breaches: Szulc, the Pentagon Papers and the Pakistan-India incidents; that Hunt became involved because at the time of the Pentagon Papers "we" had concerns about the relationship of that leak to other leaks. (pp. 24-25) Ehrlichman told the President that "we moved very vigorously on the whole cast of characters in the Pentagon Papers thing" and that "some of our findings have never come out." (p. 25) Ehrlichman told the President that it was not until

after the Los Angeles operation occurred that he found out about the entry into Ellsberg's psychiatrist's office. Ehrlichman informed the President that a request was made for a second entry, but he denied the request. (p. 26)

Ehrlichman said that Krogh admitted to having authorized the Ellsberg burglary and if asked was willing to say so and to resign from the Department of Transportation and get out of town. The President asked, "Should he [resign]?", and Ehrlichman said

I don't think he will have to. Number one, I don't think Hunt will strike him. If he did, I would put the national security tent over this whole operation.

The President said "I sure would." (p. 26)

Ehrlichman then said he would say a lot of things went on in the national interest that involved taps, entry, interrogation, and a lot of things, "and I don't propose to open that up to (unintelligible) just hard line it." The President said "I think that is what you have to do there." (pp. 26-27)

Haldeman then returned to the subject of Dean's idea of establishing a Commission -- a "super panel" -- that would possess complete investigative and judicial responsibility over the entire Watergate affair. (pp. 27-28) Haldeman told the President that Dean saw two major advantages to the Commission. The first was that the Commission would take a long

time to get set up and it would not complete its hearings and make its findings before the '74 election. The second advantage, Haldeman said, was that the President would maintain "the ultimate stroke" of being able to pardon anybody on January 19, "so the potential ultimate penalty . . . could be about two years." (pp. 30-31) Haldeman said that Dean also thought that the President should meet alone with Mitchell to find out "Mitchell's true perception of what did happen." The President asked "What do we do if Mitchell were to admit, 'Yes, I did it,'" and Haldeman said "It's greater knowledge than we possess right now -- if he would only confess." (p. 32) Haldeman said that "I didn't call Mitchell because I need (unintelligible) but we should go ahead with Magruder, I think," and the President agreed. (p. 33) The President said

I have not really had from Mitchell but I have had from Haldeman, I have had from Ehrlichman, I have had from Colson cold, flat denials. I have asked each of you to tell me, and also Dean. Now the President, therefore, has not lied on this thing. I don't think that yet has been charged. Liability has been charged, but they haven't charged the President with any offense. They are (unintelligible) in trying to protect his people who are lying. But I don't -- doesn't anybody suggest that I (unintelligible) this whole damn thing? (p. 34)

Haldeman then said that "As of now it is all saying that you are being ill-served by (unintelligible)." "By my people," the President said, "But I don't know about Mitchell. I never asked him." The President

indicated he would "get Mitchell down." (p. 34)

A discussion of Magruder's going "public" with what he knew followed, the President saying at first that it would "ruin" Magruder if he did that. (p. 35) The President asked how perjury by Magruder could be proved, asking whether Hunt might testify to it, and Haldeman said Magruder "knows he did perjure himself" and hence was worried someone might prove it. Haldeman said Barker was more likely to be able to do so because Barker worked for Magruder. (p. 36) Haldeman said that Barker said he couldn't remember who he delivered the tap reports to. At this point the transcript notes "Material unrelated to Presidential actions deleted." (pp. 37-39)

In discussing options available to Mitchell, the President said that Mitchell would probably say that he may have been responsible but that he did not realize what they were up to, and that Mitchell would never admit to perjury. The President asked Haldeman to call Mitchell and ask him to come to Washington to meet with Magruder, Haldeman and the President. (pp. 37-40)

The President asked, concerning Magruder's possible testimony, "what stroke have you got with Magruder? I guess we've got none." After some discussion Haldeman said he would advise Magruder to seek immunity and testify that he had lied earlier, suggesting Magruder would say "Nobody asked me to do it." (pp. 40-43)

There was further discussion of establishing a Commission to consider the Watergate matter, and of the possible composition of such a Commission. (pp. 44-48) Haldeman said that he would arrange to meet with Bill Rogers to discuss it. (p. 48)

Ehrlichman said he was going to meet with Kleindienst, and the President told Ehrlichman that the only thing to tell Kleindienst was that "we are going to have to break with Gray who is killing us" and to find out from Kleindienst what Gray was going to do. (p. 48)

Haldeman told the President that Senator Weicker had made a statement that day in which he said he had absolute proof that it went to the White House staff, but that he would not name names until he got his evidence in hand. There was discussion of who Weicker might be obtaining information from, in which Magruder, Porter, McCord, Gray and Colson were mentioned as possibilities. (pp. 49-51) The President asked Ehrlichman to talk to Pat Gray to ask him what Weicker was up to. (p. 51) The President said that Ehrlichman should ask Gray to ask Weicker what his information is. As Director of the FBI, the President said, Gray is supposed to get all the information he can now, and if there is anybody, the President wants the information.

The President said that members of the White House staff who are indicted, etc. would have to take a leave of absence, but that "they have to mention cutting off at the pass some place here." (p. 52)

Haldeman said to the President that once it was established that he was following that route, "if they were smart they would just start naming everybody just so you'd have no choice." The President replied that there was no way except that. Ehrlichman said that, number one, was to insulate the President; to make him appear "to be ahead of the power curve" and also to have some symbolic act of absolution after the thing is over, so that the President could take them all back on (after they had been absolved of wrongdoing). (pp. 52-53)

At this point in the meeting Haldeman received a telephone call from Mitchell, who reported that Magruder was with him. The President asked Haldeman to call Mitchell back that afternoon to get a report on his conversation with Magruder.

Ehrlichman told the President that Gray would see Weicker, and the President said that he was anxious to get his report. (pp. 55-56)

Ehrlichman said that the most important thing was that the President "keep the momentum of the business going," and the President agreed. (p. 57) The President then said that the "long seance with Mitchell tomorrow is going to be very difficult," but he would get it done. After the President commented that he felt pretty well, there is a notation of material unrelated to presidential actions deleted. (p. 57)

Haldeman told the President that Mitchell was distressed that Kleindienst wasn't "stepping up to his job" as the contact with the

Senate Select Committee, "getting Baker programmed and all that."

(p. 58) Haldeman said Mitchell also blamed Kleindienst for the fact that Dean "is not getting information from Silbert on those things said at the grand jury." Haldeman said "Mitchell finds that absolutely incompetent, and says it was Kleindienst's responsibility." (p. 58)

The President told Ehrlichman to tell Kleindienst that "you're not asking nor in effect is the White House asking;" that Mitchell said that Ehrlichman had to "have this information from the grand jury at this time and that 'you owe it to him.'" (p. 58) The President advised Ehrlichman to put it on that basis "so that everybody can't then say the White House raised hell about this, because we are not raising hell." The President further told Ehrlichman to tell Kleindienst that Dean, Haldeman, Ehrlichman, and Colson had no prior knowledge and that if Kleindienst has any information to the contrary you want to know. He also told Ehrlichman to tell Kleindienst that "there is serious question here being raised about Mitchell." (p. 59)

There was then discussion of the allegations made by McCord and Magruder. The President said "What is shocking to me is his [Magruder] blowing off against the one fair guy you wouldn't think he would cut up, against Haldeman;" said that "he also knows it's not true;" and asked Haldeman why Magruder was "tossing it off to you rather than to Mitchell." (pp. 59-60) Haldeman replied that Magruder hits Mitchell too, but that he "is just trying to wrap me because he wants to get you in." Magruder, Haldeman said, was firing a threat to the President to

try to get people shook up. Ehrlichman said that Magruder was trying to get a line around the President for his own protection. (p. 60)

Haldeman then said,

In other words, if all Magruder is going to do is take the dive himself, then we are not going to hear about it. If he makes us worry that he is going to get Mitchell and you and me ---. (p. 60)

The President then asked Ehrlichman if there was any way Magruder could stick to his story. Ehrlichman replied that he thought he could because he was an ingenious witness and "[h]e is saying the things they want him to say." The following then appears in the transcript:

P. No, no, no. I don't mean if he says --

E. Oh if he sticks to his old story -- I see, I see. I thought you meant the story he is laying out here.

P. Oh, no no. This story. They would take that in a minute. (p. 61)

Ehrlichman then told the President that he was to the point where he didn't think "This thing is going to hold together," and that it was his hunch that anybody who tried to stick with a story not susceptible to corroboration would be in serious difficulty. He expressed the view that Magruder ought to move to "a real and immune confession of perjury if he can do it. There's too many cross-currents in this thing now."

(p. 61) The President said "Yeah. This is my view," and that if

Magruder "is going to lie about it, you know, I am sure he checked it out." (pp. 61-62) He asked what the hell was in it for Magruder, and Haldeman and Ehrlichman replied, "Immunity." The President asked who had authority to grant immunity, and after a brief discussion of the subject there is a deletion of "Materials Unrelated to Presidential Actions." (p. 62)

The President said "This is a bad rap here" and "we are not going to allow it." He said "our real problem is Mitchell." He inquired whether it was "too dangerous" to have the Attorney General call Silbert to find out what was being said to the Grand Jury, but Ehrlichman explained it was not necessary since Henry Petersen could let Kleindienst know. (p. 62) The President acknowledged a "problem" if Kleindienst would have to admit furnishing "the Grand Jury things to the White House." The President instructed Ehrlichman to "just tell Dick" that he should furnish information to the White House because "our interest here . . . is whether there are any White House people involved here and we will move on them," and Ehrlichman added "the President wants to know." The President said "That is the purpose," not to protect anybody "but to find out what the hell they are saying." The President apparently indicated Ehrlichman should tell Kleindienst he wanted to get information every day "so that we can move one step ahead here" and not have to wait "until a grand jury drags them up there." (pp. 62-63)

There was further discussion about whether to have all White House personnel testify before the Grand Jury or alternatively be questioned by Judge Sirica. (pp. 63-64) The President and Ehrlichman agreed the President had to "Do something" so that he was "out front" on this issue. (p. 65) Waiving executive privilege was discussed and Ehrlichman said "You could say I have never had a communication with anybody on my staff about this burglary -- "; the President said "I have never had any --, " and Ehrlichman then suggested the President say, "Since I had no communication with anybody on the White House staff about this burglary or about the circumstances leading up to it, there is no occasion for executive privilege in this matter." The President then said, apparently further indicating what he would say publicly, "With regard to this, I want you to get to the bottom of it. So there will be no executive privilege on that. On other matters -- ". Haldeman then said, "And that takes you up to the June 17th" and inquired, "What do you do after June 17th?" The President replied, "Use the executive privilege on that." (p. 67) To which Ehrlichman said:

Yeah, but there would be questions like, "Did you ever discuss with the President, Mr. Haldeman, the matter of executive clemency for any of these defendants."

The President said "Both of them say no." Haldeman said "Or the Payment of money. The payment of --," and the President said "Haldeman and Colson would both say no, there's no question." (p. 67) Haldeman responded,

"Since you want to waive privilege so that we can say no, rather than invoking it --," and the President said "You can say that." Haldeman said "I think you've got to say that because basically their situation -- well, Colson will be very disturbed by that and he must have a reason why he should." (pp. 67-68) The President said "Well, why don't you get (unintelligible) in so that I can hear it clearly and I will know. What is it, Bob, as you will recall at the moment, and then I will let you go." Haldeman referred to Colson's view that "don't do any line [sic] to break your privilege, because if you get into (unintelligible) you may want it." During this discussion the President said "Colson says don't give anything away that you don't have to, but you don't have to, but you don't know what the hell is going to happen to you if you if you go in and lie." (pp. 67-68)

The discussion then turned to the suggestion that the President request and recommend to Judge Sirica that the judge appoint a special prosecutor. (p. 70) The Commission idea was again mentioned, the President saying, however,

The idea that a Commission might go through the '74 election, etc. -- my view is I can't have this (unintelligible) I think the damn thing is going to come out anyway, and I think you better cut the losses now and just better get it over much sooner and frankly sharper. Let's just say, "Well Judge, let's go." (p. 70)

Further discussion followed about the special prosecutor idea and of the President going on television to announce that course. At the

close of that discussion Ehrlichman said that "Surely nothing troubles me." The transcript at that point notes "Materials unrelated to Presidential actions deleted." (p. 72) Thereafter the President said to Ehrlichman, "Inform me as soon as you get something from Gray on Weicker" and "as soon as you've got something on Kleindienst." The President told Ehrlichman to say to Kleindienst, "Mitchell is just damn disappointed, and he will jump up and down and shout." (p. 72)

Over - Gr jury try to fit response
for Wg broken.

16. On March 28, 1973 Mitchell and Haldeman met with Magruder in Haldeman's office. They discussed Magruder's false testimony regarding the approval of the Liddy Plan. Haldeman telephoned Dean and requested that he return from Camp David to meet with Mitchell and Magruder. Dean has testified that on his return he went directly to Haldeman's office; that Haldeman told him that Mitchell and Magruder were waiting in another office to discuss with Dean his knowledge of the January and February 1972 meetings in Mitchell's office; that Dean said he would not lie about those meetings; and that Haldeman said he did not want to get into it but Dean should work it out with Mitchell and Magruder. Dean met with Mitchell and Magruder. Following the meeting, both Mitchell and Dean reported to Haldeman that there was a problem as to what the facts were regarding the 1972 meetings.

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- 16.1 H. R. Haldeman deposition, Democratic National Committee v. McCord, May 22, 1973, 213-18, 222-23, 229.
 - 16.2 John Dean testimony, 3 SSC 1005-07.
 - 16.3 John Dean testimony, 4 SSC 1379, 1425.
 - 16.4 H. R. Haldeman telephone log, March 28, 1973 (received from SSC).
 - 16.5 John Mitchell testimony, 4 SSC 1634-35.
 - 16.6 John Mitchell testimony, 5 SSC 1914.
 - 16.7 Jeb Magruder testimony, 2 SSC 807-08.
 - 16.8 Jeb Magruder testimony, SSC Executive Session, June 12, 1973, 111-14.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

DEMOCRATIC NATIONAL COMMITTEE, et al.,

Plaintiffs,

vs.

JAMES W. McCORD, et al.,

Defendants.

Civil Action

No. 1233-72

FRANCIS L. DALE, et al.,

Plaintiffs,

vs.

LAWRENCE F. O'BRIEN,

Defendant.

Civil Action

No. 1347-72

MORRIS H. STANS,

Plaintiff,

vs.

LAWRENCE F. O'BRIEN,

Defendant.

Civil Action

No. 1354-72

Washington, D. C.,

Tuesday, May 22, 1973.

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Q And did he tell you anything further concerning pre-June 17th events?

A Not that I recall. I don't believe so.

Q Did there come any time later when he did come back to his office at the White House and after that occurred did he have any meetings with you?

A I am not absolutely clear. I am sure he came back to the White House and I don't recall any meetings in that period. We now get to -- Well, let's see. Yes, that gets us to the 28th, if that is the correct date, and I believe it is. What is the day?

A That would have been a Wednesday, I believe, approximately.

A I think it was the 28th that there was the meeting first with Mitchell and then with Mitchell and Magruder and then Mitchell and Magruder met separately with Dean.

Q Let us now go to the 28th and that first meeting you had that day. That was with Mitchell?

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A Yes.

Q Was that in your office?

A Yes.

Q Was there anyone else present?

A That was with Mitchell alone.

Q Would you tell us, please, the substance of that conversation as it related to pre-June 17th events?

A Mitchell had sought that meeting, as I recall, mostly in relation to this question of the disparity between his view and Dean's on the question of the meetings that had been held. He had the day before, I believe, met with Jeb Magruder, I think, in New York. I think he had asked Magruder to come up and meet with him and he had had a meeting with Magruder. At the meeting with me on the morning of the 28th he reported to me on his meeting with Magruder and I don't recall the specifics of that but it had to do with Magruder's recollection of the facts related to these meetings and Magruder's recollection of the facts regarding the Watergate, as I recall; and this has to be classified as recollection because it can be confused with subsequent information I was given. In other words, I am not positive that this developed at this point in time but I believe it did.

Q All right.

A That Magruder's outline as of that time, as expressed

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to Mitchell the day before and as reported by Mitchell to me was that the Watergate project, the entry and bugging of the DNC had been conducted with Magruder's knowledge and approval and that it had been done-- I think the theory he spelled out at that point in time --

Q He being Mitchell?

A No, he being Magruder.

Q Magruder speaking to Mitchell?

A Speaking to Mitchell and Mitchell reporting it to me.

This is one of the several different Magruder theories and that is why I am not sure of all of the things reported to me by Mitchell as to what Magruder's recollection of the facts was, but that he had been under pressure to get various kinds of information. I am not sure specifically whether this was specified from-- I think it was from the White House was his theory (I don't think he spelled out who from the White House) and that under the pressure of needing to get information he had launched a Liddy intelligence program which included the DNC project. Whether he specifically intended that it include the DNC project or whether that was Liddy's, it was included on Liddy's cognizance, I am not sure. But, in any event, Magruder had approved this under what he claimed at that point was pressure from the White House to get going on the fact gathering projects. I think that really covers

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what his theory on the facts and the facts in that area were. Then he got into the question of the meetings and what the facts were regarding meetings and he, Mitchell, indicated Magruder's concurrence in Mitchell's recollection of the meetings. That is about all I can recall of the substance of Mitchell's coments (sic) there.

Q What did Mr. Mitchell tell you as to how many meetings he recalled having at which Liddy was present?

A He indicated, as I recall, that there had been one meeting and that that meeting had been for the purpose of campaign expenditure regulation review and that sort of thing, a legal meeting, not an intelligence meeting.

Q Did you mention to him at that meeting what you had learned from Dean relative to the presentation by Liddy at that meeting?

A He mentioned it to me. He was aware of Dean's position.

Q He was aware?

A Yes, he was. That was his point of concern and, basically, I think, the reason for his coming down for the meeting.

Q Did he disagree with Dean's position on these meetings that were had?

A I believe he did, yes.

Q When he recounted to you what Magruder had told him the

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previous day in New York did he state whether he had asked Magruder who at the White House was putting this alleged pressure on Magruder?

A I don't think so. I don't --

Q Did you ask him --

A I don't recall that.

Q I am sorry. You don't recall that. Mr. Haldeman, did you ask him whether he had asked Magruder who was putting this pressure on him from the White House?

A I am sure I must have or it must have been explored or raised in some way, or he simply said he didn't know who, that the point was pressure from the White House. Now, as I indicated there were reported to me in this time period this report from Mitchell and at some point in this general area a report from Dean, which (I think this probably came later) also evolved a Magruder theory which was in conflict with this in some ways. I am not sure I can remember the specifics of all of them. But in various forms or at various times from various sources I was told that Magruder's position was (1) this White House thing. There was a reference by Magruder at one of these discussions (and this, I think, was also referred to by Dean) to a phone call that Magruder had received from Chuck Colson urging him to get going on getting information, a phone call that -- No, no, that

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theory came earlier because I can remember having that question raised when I was in Key Biscayne getting some reports back and forth on the telephone. All of these, incidentally, are areas that were in my view under the old guidelines covered by executive privilege because they were in the nature of the President pushing to get information out, get information back in to Dean and to him and to explore things that he wasn't satisfied with being explored. Some of these points were reported directly to the President, probably most of them, as they evolved step by step. I was in communication with the President during that weekend in Key Biscayne as well as when we were up here. This phone call, Magruder --

Q Are you speaking to a phone call while you are still in Florida?

A No, no. I am speaking of a report while I was in Florida of a phone call that was made prior to June 17th from Colson to Magruder saying get going on getting information. Magruder at one point in time put that as being a significant factor in getting the Watergate going, initiating the project. Colson, who I talked with about this phone call--

Q When was that conversation?

A While I was in Key Biscayne. That is why I remember the Colson call because I didn't have that many communications on

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taped a meeting and I have never had a stenographer present at any meeting on any subject at any time.

Q Did you make notes at any of these meetings?

A I probably did. I may have.

Q Do you know whether you still have those notes?

A Let me say I have made a habit of making notes of meetings or conversations which I intended to report to the President or which required action on my part. My practice was then to take the action that was required and then throw away the notes or if it involved a conversation with the President to have the conversation with the President and whatever note evolved of that conversation I have turned over to the President's files and I did this on a periodic basis through all the time I was there.

Q You don't have any notes today relative to any of these conversations involving these --

A No, sir, I don't.

Q Tell us about the meeting with Mitchell on the 28th of March and who said what relative to the pre-June 17th events?

A We have pretty well covered it because you asked what Magruder said. One meeting went into the other. Mitchell was in my office and then Magruder arrived and then the joint meeting.

Q At that meeting did Magruder tell you that he did know

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about the wiretapping of the Democratic National Committee Headquarters?

A I have that impression.

Q What is your best recollection rather than your impression? This is a sensitive point and I don't want to rely on an impression. I would rather have a good recollection.

A The question in my mind is whether he indicated or gave even the impression that he knew of the DNC bugging specifically as contrasted to his knowledge of the implementation, approval and implementation by him, as I understood it, of an intelligence program by Liddy which he was, I think, assuming that the Watergate was a part. The question that I have is whether he indicated that he knew the Watergate was a part and that -- I have to leave that as a question in my mind. I am not sure.

Q Let me ask you this question (and I am jumping ahead, it is likely): has Magruder at any time ever told you that he knew in advance of June 17th, 1972 of the wiretapping and bugging of the Democratic National Committee Headquarters?

A I don't know that he has in so many words.

Q Has he ever said anything to you from which you gathered a clear inference that he did, in fact, know prior to June 17th, 1972 of the bugging and wiretapping of the DNC

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Q That same day, March 28th, I think you testified you had a third meeting which Dean was involved in, I believe.

A No. Mitchell and Magruder met with Dean and I was not present. Subsequent to the meeting we had had they then, the two of them, went and met with Dean separately from me.

Q That day Magruder had three meetings. You had two meetings and Mitchell had two meetings?

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Q Did you get a report from either of those three gentlemen as to the third meeting that day or shortly thereafter?

A I have the impression that I did have a sort of general report, I think, from Mr. Mitchell and I think probably also from Dean that they had talked the question over and that there was a problem as to what the facts were.

Q Now, when you use the word "impression" in that context, are you really saying you have a recollection?

A I don't have a recollection of a specific conversation but I have a recollection of the information. I do recollect hearing that following that meeting it was felt by Dean and Mitchell that there was a real question as to what the fact was regarding these meetings.

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PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972

SENATE RESOLUTION 60

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION

WATERGATE AND RELATED ACTIVITIES

Phase I: Watergate Investigation

WASHINGTON, D.C., JUNE 25 AND 26, 1973

Book 3



Printed for the use of the
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Mr. DEAN. In brief, the President would create an independent panel—that would be investigator, prosecutor, and judge and jury for everyone involved. It would have the power to remove officials from office, levy fines, and impose criminal sanctions. It was designed to give every man a fair and full hearing, and proceed in a manner where people would not be tried publicly.

Finally, after all the facts were in, the panel would render its judgments on the individuals involved and report to the public. I might note that if the special prosecutor and this committee were merged, made independent, and proceeded in camera, it would be very close to the concept I had proposed back on March 26.

Moore liked the idea and suggested I call Haldeman, which I did. He was intrigued, but not overwhelmed. It was becoming increasingly clear that no one involved was willing to stand up and account for themselves.

After I had read in the newspaper on Tuesday, March 27, that the President had called me on Monday morning, March 26—which he had not—and expressed great confidence in me and the fact that I had not had prior knowledge of the break-in at the Democratic National Committee, I decided to attempt to contact Mr. Liddy, who was the one man who could document the fact that we never had talked about his plans following the February 4 meeting in Mitchell's office. I called Paul O'Brien and asked him how I could get in contact with Mr. Maroulis. Mr. Liddy's attorney, O'Brien gave me Maroulis' phone number, but told me I could not reach him until late in the afternoon.

I called Mr. Maroulis about 5:30 and asked him if I might get some sort of sworn statement from Liddy regarding my lack of prior knowledge of the break-in at the Democratic National Committee. I told him of the two meetings in Mitchell's office, and that Mr. Liddy and I never talked about his plans after the second meeting. To this day, I am convinced that if and when Mr. Liddy ever talks, he will tell the truth as he knows it. I was hopeful that he would give me some sort of an affidavit attesting to the facts, but his lawyer was concerned about his fifth amendment problems.

Mr. Maroulis called me back on March 29 after I had returned from Camp David, after he had talked with Mr. Liddy. I requested O'Brien to make a memorandum of the call, as he was with Mr. Maroulis when he made the call. I have submitted to the committee a copy of this document in which Maroulis advised me his client could not make such a statement because it might result in a waiver of his fifth amendment privileges, that to give such a statement could be detrimental to others, but Liddy did wish to convey that his reasons for not providing such a statement was not because he disagreed with the facts, but because of the advice of counsel.

[The document was marked exhibit No. 34-42.*]

Mr. DEAN. It was the day before I received this call, March 28, that Haldeman had called me at Camp David and requested that I return to Washington. He told me that he was meeting with Mitchell and Magruder and that they wished to meet with me. I told Haldeman that I really did not wish to meet with Mitchell and Magruder, but he was insistent that I return and meet with them. I returned from Camp David about 3:30 and went directly to Haldeman's office. He told me

*See p. 1262.

that Mitchell and Magruder were waiting in another office for me. I asked him why they wanted to talk to me and he said that they wanted to talk to me about my knowledge of the meetings in Mitchell's office. I told Haldeman that they were both aware of the situation and I was not going to lie if asked about those meetings. Haldeman said that he did not want to get into it, but I should go in and work it out with Mitchell and Magruder.

Before discussing the meetings with Mitchell and Magruder, I feel I should comment on my reaction to the discussion I had just had with Mr. Haldeman. Knowing how freely and openly he had discussed matters in the past, I could tell that he was back-peddling fast. That he was now in the process of uninvolving himself, but keeping others involved. This was a clear sign to me that Mr. Haldeman was not going to come forward and help end this problem, rather, he was beginning to protect his flanks. It was my reaction to this meeting with Mr. Haldeman and his evident changed attitude, and my earlier dealings with Ehrlichman where he had told me how I should handle various areas of my testimony should I be called before the grand jury, that made me decide not to turn over to them the report I had written at Camp David. I have submitted to the committee a copy of the Camp David report, part of which was typed by my secretary at Camp David and the remainder in longhand, which I had not put in final narrative form before I was called back to Washington.

[The document was marked exhibit No. 34-43.*]

MEETING WITH MR. MITCHELL AND MR. MAGRUDER

Mr. DEAN. After departing Mr. Haldeman's office, I went to meet with Mitchell and Magruder. After an exchange of pleasantries, they told me they wished to talk to me about how I would handle any testimonial appearances regarding the January 27 and February 4 meetings which had occurred in Mitchell's office. I told them that we had been through this before and they knew well my understanding of the facts as they had occurred at that time. Mitchell indicated that if I so testified, it could cause problems. Magruder then raised the fact that I had previously agreed, in an earlier meeting, that I would follow the testimonial approach they had taken before the grand jury.

I told them I recalled the meeting. Magruder then said that it had been I who had suggested that the meetings be treated as dealing exclusively with the election law and that explained my presence. At this point in time, I decided I did not wish to get into a debate regarding that meeting. They both repeated to me that if I testified other than they had it would only cause problems. I said I understood that. I told them that there was no certainty that I would be called before the grand jury or the Senate committee and that if I were called, I might invoke executive privilege, so the question of my testimony was still moot. I did not want to discuss the subject further so I tried to move them off of it. They were obviously both disappointed that I was being reluctant in agreeing to continue to perpetuate their earlier testimony.

The only other matter of any substance that came up during that meeting was when I made the point that I had never asked Mitchell

*See p. 1263.

about his involvement in the matter and I had no intention of asking him at that time. I said to this day I do not fully understand how the Liddy plan got into operation and can only speculate based on the tidbits of information I know. I then offered my hypothesis of what had happened, that is, that at some point after the second meeting in Mitchell's office there had been pressure put on to get the plan approved and that it had been approved without anyone really understanding its full import. Mitchell said something to the effect that my theory was not far from wrong, only they thought it would be three or four times removed from the committee. The meeting terminated shortly thereafter. It was not a lengthy meeting and as far as Magruder and Mitchell were concerned, it was certainly less than satisfactory for them.

MARCH MEETING WITH MR. EGIL KROGH

On either March 28 or 29, Mr. Krogh came to my office because he happened to be in the Executive Office Building. He said he had come to express sympathy for me as a result of the adverse publicity I had received during the Gray hearings. He then began telling me that he had not himself had a good day since his own confirmation hearings and that he had been haunted by his experiences at the White House.

I told Krogh that I thought that there was a very likely possibility that the Senate Watergate committee could stumble into the Ellsberg burglary. I told him that there were documents in the possession of the Justice Department which had been provided by the CIA in connection with the Watergate investigation which contained pictures of Liddy standing in front of Mr. Ellsberg's doctor's office in California.

I told him that I had learned from the CIA that these pictures had been left in a camera returned by Hunt to the CIA and the CIA had developed the pictures. I said I did not believe that the Justice Department knew what the pictures were all about but that any investigator worth his salt would probably track down the incident as a result of the pictures.

I told him that Ehrlichman had requested that I retrieve the documents from the Justice Department and get them back to the CIA where they might be withheld from the committee investigators but the CIA had been unwilling to do so.

Krogh was very distressed to hear this news but said that maybe it was for the best in that he had personally been haunted by this incident for so long that he would like to get it out in the open. We then entered into a discussion about the incident and I asked him if he had received his authorization to proceed with the burglary from Ehrlichman, knowing well that Krogh would not undertake such a mission himself.

Krogh responded that no; he did not believe that Ehrlichman had been aware of the incident until shortly after it had occurred; rather, he had received his orders right out of the "oval office." I was so surprised to hear this that I said, "You must be kidding." And he repeated again that he had received his instructions out of the oval office.

Mr. Krogh also indicated to me that he thought he might have perjured himself during his confirmation hearings and he was very both-

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
• BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
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FIRST SESSION

WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
WASHINGTON, D.C., JUNE 27, 28, 29, AND JULY 10, 1973
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Mr. DEAN. That is correct.

Senator GURNEY. And he, in turn, communicated with Mr. McCord, I guess, through Ulasewicz one time and then himself; is that correct?

Mr. DEAN. That is my understanding.

Senator GURNEY. And my understanding also is that the offer of clemency was made to Mr. McCord, I think, in terms like this: That it comes from the highest authority in the White House; is that substantially correct?

Mr. DEAN. That is correct; yes.

Senator GURNEY. Did you ever advise the President of the United States about that?

Mr. DEAN. No, sir. As I had explained in my testimony, I was proceeding on a conversation I had with Mr. Ehrlichman after Mr. Ehrlichman indicated and Mr. Colson also had indicated that they had talked directly with the President about the matter, something which was later confirmed by the President himself in conversations with him.

Senator GURNEY. Did you ever have a meeting with Mr. Magruder, let me see on this, in January or December, in which there was a discussion about the planning of the Watergate? Do you remember anything about that?

Mr. DEAN. I recall Mr. Magruder coming to my office one time, and this is—I saw part of Mr. Magruder's testimony on this before this committee. It is one if I have seen 3 hours total I would be surprised, but I did see part of Mr. Magruder, I caught one section of the questioning of him, I believe it was during the questioning of him, in which he made a reference to this.

I think what he is referring to——

Senator GURNEY. What did he refer to?

Mr. DEAN. He was referring to the fact that my memory had gotten suddenly foggy. I have never, as I testified before this committee, understood what happened between, with any clarity, between February 4 and June 17, and I was—we were talking about that.

I think he also was referring to the meeting on—he may have been mixing the meetings and referring to the fact that on March 28, when I came back from Camp David, that I was playing very dumb, I was playing very reluctant—and I was. I did not want to engage in a discussion of my recollection of those meetings, because we had gone over that before and I had made my decision by that time as to what I was going to do and I did not want to get into a debate on it.

I believe he also referred to the fact that I taped that conversation. That is not correct.

Senator GURNEY. Let me refer to his testimony when he was here before the committee. He said: "Well, I think the one occasion that did crop up when I asked for an appointment with Mr. Haldeman."

I said: "When was this?"

He said: "That was probably in January, probably in early January, December"—that would have been January of this year or December of last year—it was before that meeting with Haldeman, so it must have been in December. It was when he indicated to me that he did not know how the Watergate had ever been planned, something to that effect.

when there was more discussion of different essentially coverup techniques without getting into great detail because I cannot recall in great detail, everything they were saying the President was asking me, do I agree and I was saying no, and finally, at one point in that meeting I said that, right in front of the President that, I felt that Dean, Haldeman, and Ehrlichman could be indicted for obstruction of justice and this has to be recognized. And I think as a result of that meeting they saw that I had begun to change my attitude about any further involvement in a coverup.

Senator INOUE. "On March 21 Dean gave the President a more complete, but still laundered version of the facts and so surprised the President that according to press accounts of what Dean is saying 'the President came out of his chair.'"

Mr. DEAN. I do not know where that press account came from. The President did not come out of his chair. I have never seen the President come out of his chair other than very easily and slowly at the time that he got up on April 15 to walk around to the corner of the EOB office and then raise something with me. The President of the United States does not come flying out of his chair.

Senator INOUE. "At this meeting Dean indicated that Magruder was involved but that he did not know about Mitchell."

Mr. DEAN. That is correct. As I have said before this committee I have never had a direct conversation with John Mitchell to ask him what his involvement was. On the 28th when I came down from Camp David after there was this discussion about whether I would be willing to perpetuate the story that there had been one meeting in Mitchell's office, there had been a discussion of the election laws and that that was the reason for my presence and it was to introduce Mr. Liddy, at the end of that discussion I said to Mr. Mitchell "I have never asked you of your involvement and I will not ask you of your involvement but I want to hypothesize what I see to be the situation," and I then gave them my hypothesis of the situation and, as a result of that hypothesis, Mr. Mitchell said "that is not far from accurate, but we thought it would be two or three times removed."

Senator INOUE. If you did not know about Mitchell why did you advise the President that Mr. Mitchell could be indicted?

Mr. DEAN. Because based on the information Mr. Magruder had given me, which was inferential and my general assumption of the fact, I was aware of the fact that he had received the information from the electronic surveillance.

Senator INOUE. Did you so advise the President?

Mr. DEAN. Did I so advise the President? I do not recall that I got into a detailed discussion. I was giving the President what I would say was a general overview and letting him come back and ask any specific questions he might wish to ask.

Senator INOUE. Do you not feel it was important enough to advise the President of the United States that his former Attorney General was involved and implicated?

Mr. DEAN. Well, I told him I thought he could be indicted but I told him I did not have the facts for certainty myself that he was indictable.

Senator INOUE. I thought you had just testified that Mr. Magruder, Mitchell, and Dean were indictable?

16.4 Note: This page appears in
the telephone logs of
H. R. Haldeman for
the days of March, 1973.
It is misdated on the
log as 1972; it should
read 1973.

WASHINGTON

TELEPHONE MEMORANDUM

Wednesday
H. R. Haldeman *March 28* 1972

	TIME		DISC	NAME	ACTION
	PLACED				
OUT	8:55	AM		Chuck Colson	
INC	8:55	PM			
OUT	8:55	AM		John Dean	
INC	8:55	PM			
OUT	9:00	AM		Frank Stanton	to L.H.
INC	9:00	PM			
OUT	10:00	AM		Jack Hughes GEICO	
INC	10:00	PM			
OUT	5:10	AM		John Dean	
INC	5:10	PM			
OUT		AM			
INC		PM			
OUT		AM			
INC		PM			
OUT		AM			
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OUT		AM			
INC		PM			

Dr

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION

WATERGATE AND RELATED ACTIVITIES
Phase I: Watergate Investigation
WASHINGTON, D.C., JUNE 27, 28, 29, AND JULY 10, 1973
Book 4



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Mr. DASH. Did you promise him at that time, as he testified, that to the best of your ability, though you no longer were in office, you would help him to either get Executive clemency, support, or rehabilitation, any of the things we have been asking about?

Mr. MITCHELL. Let us take Executive clemency. No, I have never promised that to anybody. Obviously, there is no basis upon which I could.

With respect to, you were talking about support and so forth, what I told Jeb Magruder was that I thought he was a very outstanding young man and I liked and I worked with and to the extent that I could help him in any conceivable way, I would be delighted to do so.

And this was exactly the same conversation that we had the next day down at Haldeman's office.

Mr. DASH. Did Mr. Magruder then ask for that meeting with Mr. Haldeman?

Mr. MITCHELL. Oh, yes.

Mr. DASH. Did he feel he needed that assurance from somebody still in the White House?

Mr. MITCHELL. That is right.

Mr. DASH. And met with Mr. Haldeman on the 28th of March?

Mr. MITCHELL. 28th of March, that is correct.

Mr. DASH. What kind of assurances were being sought by Mr. Magruder there and what was being given to him?

Mr. MITCHELL. Mr. Magruder was again concerned—well, he did not express it too directly—that he thought he might become the fall guy. It seems to me that everybody around this town involved in this all thought they were going to become a fall guy.

Mr. DASH. Did you, Mr. Mitchell?

Mr. MITCHELL. Did I? No. Contrary to the story that I have read I did not believe that to be the case. I am quite anxiously waiting to see if there is some possibility of that other than some misguided counsel who wrote a piece of paper from which cross-examination was to be made.

Mr. DASH. Getting back to Mr. Haldeman and Mr. Magruder's meeting with you on March 28—

Mr. MITCHELL. Yes, it was the same general discussion, "I may have problems with my perjury. I don't have any money. am I going to be deserted, are you people still going to be friends, will I be able to get counsel," and this type of conversation.

Mr. DASH. Did Mr. Haldeman make any kind of promises to Mr. Magruder at that time, in your presence?

Mr. MITCHELL. None other than the fact to help him as a friend and I think Mr. Haldeman has testified to that.

Mr. DASH. Now, did you ever have a meeting with Mr. Magruder and Mr. Dean after that meeting with Mr. Haldeman?

Mr. MITCHELL. Yes sir.

Mr. DASH. What was that meeting about?

Mr. MITCHELL. Well, this was held at Magruder's request because he again was concerned about this perjury question that he might have, and the meeting was a quick runthrough again of the recollection of the individuals as to what was discussed prior to Mr. Magruder's third appearance before the grand jury back in September.

Mr. DASH. Did you agree at that time, Mr. Mitchell, that you would hold the line, at least, if you were called, to limit the meeting to a discussion of the election laws?

Mr. MITCHELL. No, that was not the basis, to hold it to the election laws, Mr. Dash. The basis of it was for the recollection of what had happened and how it would have affected Mr. Magruder in perjury. You see, if you go back Magruder had said there only had been one meeting when there actually had been two, and so forth. It wasn't a question of holding the line on anything. It was a question of the recollection of what actually did happen vis-a-vis what Magruder apparently had testified to.

Mr. DASH. He was obviously concerned as to what your position was going to be if you were called before the grand jury. Did you make any assurances to Mr. Magruder at that time?

Mr. MITCHELL. Any assurances as to what?

Mr. DASH. How would you testify before the grand jury if you were called as to the meetings?

Mr. MITCHELL. I made no assurances as to how I was going to testify. Obviously I was going to testify as to what happened.

Mr. DASH. Did Mr. Dean make any assurances?

Mr. MITCHELL. Mr. Dean had a very hazy recollection of what had happened. Obviously, as I think Mr. Dean testified, he didn't want to discuss the matter. He had already, of course, gone to counsel and was looking after Mr. Dean's problems.

Mr. DASH. Did you learn during April that Mr. Magruder and Mr. Dean had gone to see the prosecutors?

Mr. MITCHELL. I learned about Mr. Magruder, I didn't learn about Mr. Dean.

Mr. DASH. And were you personally aware of Mr. Dean's meetings with the President in March and April that he testified to before this committee?

Mr. MITCHELL. Only the meeting of March 22 at which, of course, I was present.

Mr. DASH. What I am talking about are the meetings of September 15, 1972, the meeting of February 28.

Mr. MITCHELL. Now, Mr. Dash, you are talking about 1972.

Mr. DASH. The meetings of September 15, 1972, with the President, February 28, 1973, March 13, 1973, and March 21. Are you aware of those meetings?

Mr. MITCHELL. Let me put it this way. The only meeting that I was aware of, of Mr. Dean and the President, was the one I attended on March 22.

Mr. DASH. At that meeting was there any discussion by the President, by you or by Mr. Dean, concerning the Watergate, either coverup or who may be involved in an indictment or anything like that on the 22d?

Mr. MITCHELL. None whatsoever. The total discussion had to do with the White House's response to this committee, and I think it was prompted, or at least that was my understanding at the time. It was prompted by the fact that the President was getting a pretty good knocking around in the press on the question of executive privilege. I believe it arose with respect to the Gray hearings but it certainly was to be applicable to this committee's hearings.

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972

SENATE RESOLUTION 60

HEARINGS

BEFORE THE

SELECT COMMITTEE ON

PRESIDENTIAL CAMPAIGN ACTIVITIES

OF THE

UNITED STATES SENATE

NINETY-THIRD CONGRESS

FIRST SESSION

WATERGATE AND RELATED ACTIVITIES

Phase I: Watergate Investigation

WASHINGTON, D.C., JULY 11, 12, 13, 16, AND 17, 1973

Book 5



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Mr. DASH. Could you tell us what the nature of your discussions with Mr. Dean was?

Mr. MITCHELL. I have had so many discussions with Mr. Dean on the matter, I cannot isolate that one.

Mr. DASH. Could you search your mind? I think it is the first time in the public press your name became identified with the break-in.

Mr. MITCHELL. It would have been discussed, I am sure, in the context of what was said in the letter to Judge Sirica or with respect to what came out of your executive session as to what the facts, or allegations, I probably should say, were contained in the particular items.

Mr. DASH. Actually, following up at least that McCord episode, were your meetings with Mr. Magruder on March 27, where he was beginning to be concerned about the unraveling of the operations, so far as he was concerned, your meeting with Mr. Magruder and Mr. Haldeman on March 28 and your later meeting with Mr. Dean, Mr. Magruder, and yourself, on a discussion of what Mr. Magruder was going to do at the grand jury?

Mr. MITCHELL. That is correct.

Mr. DASH. So this was coming to a head at this point, was it not?

Mr. MITCHELL. Well, it was coming to the point where conversations increased as the information came forth from this committee or Mr. McCord or whoever it came forward from.

Mr. DASH. And at that time, were you not in active discussion with Mr. Dean and Mr. Magruder as to how the grand jury testimony was to be carried out?

Mr. MITCHELL. We had that meeting that I have already testified to, Mr. Dash. That is the one meeting we had on the subject matter.

Mr. DASH. And was that the meeting where Mr. Dean had indicated, at least, that you were going to hold fast to your position that there was no discussion of electronic surveillance or intelligence at that meeting?

Mr. MITCHELL. I have never heard that. If you are referring to the memorandum that Mr. Dean wrote after the April 10 meeting, I do not believe that that is contained in there. With respect to the meeting that was held with Dean and Magruder, obviously not. There was no such concept discussed that there would not be revelation of the fact if there had been discussions with the Justice Department on electronic surveillance.

Mr. DASH. Well, Mr. Magruder had made the decision as to what he was going to do. If you all three stood together, he could continue to testify as he had. He had testified to the grand jury in August, he testified at the trial about those meetings. In fact, he said there was one meeting that had been canceled and all he discussed was the election laws. If all three of you had agreed to that, he could have gone back to the grand jury and stuck to that. What he was concerned about, his testimony is, was that the two of you, you and Mr. Dean, were not going to stay with him and it was unraveling as to him, that he had committed perjury and he would go back—

Mr. MITCHELL. That was not the discussion between Dean and Mitchell and Magruder on March 28; the fact that there had been two meetings that were shown in the logs and that the question was whether or not Magruder had perjured himself by the basis upon which he had presented his testimony to the grand jury on this subject.

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
BEFORE THE
SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION

WATERGATE AND RELATED ACTIVITIES

Phase I: Watergate Investigation

WASHINGTON, D.C., JUNE 5, 6, 7, 12, 13, AND 14, 1973

Book 2



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called me in the Commerce Department and asked me to come to New York. I flew to New York that afternoon, and discussed with him——

Mr. DASH. Do you know, what date that was?

Mr. MAGRUDER. That would be March 27.

Mr. DASH. 27?

Mr. MAGRUDER. A Tuesday.

Mr. DASH. And the year we are talking about 1973?

Mr. MAGRUDER. 1973.

Mr. DASH. What was your discussion with Mr. Mitchell in New York?

Mr. MAGRUDER. Well, I went through all of the problems I thought could occur because of the problems that renewed interest in this case would bring from your committee and from the grand jury and indicated what should I do, and he indicated that I should hold, that he would take care of things, that everything would be taken care of.

Now, at that time I realized that he was no longer directly involved at the White House, as he had been, and so I asked to see Mr. Haldeman with him the next day he was going to Washington.

Mr. DASH. But at that meeting, Mr. Magruder, what did you ask Mr. Mitchell to assure you of?

Mr. MAGRUDER. Again I asked for the same assurances of salary and being taken care of if I had to go away for any period of time.

Mr. DASH. Did you mention Executive clemency?

Mr. MAGRUDER. Yes, I did.

Mr. DASH. Then you say you asked for a meeting with Mr. Haldeman?

Mr. MAGRUDER. Yes, I feel that it would be appropriate since this was something now that he was more directly involved on a day-to-day basis.

Mr. DASH. Did you have that meeting with Mr. Haldeman?

Mr. MAGRUDER. Yes, I did.

Mr. DASH. When?

Mr. MAGRUDER. On the following day, Wednesday, March 28, I think.

Mr. DASH. Who was present?

Mr. MAGRUDER. Mr. Haldeman, Mr. Mitchell, and myself.

Mr. DASH. What was discussed?

Mr. MAGRUDER. Well, we discussed the same things that we had discussed with Mr. Mitchell, that I discussed with Mr. Mitchell. Mr. Haldeman was very careful to indicate to me that he would help me in any way as a friend but could make no commitments for the President; indicated that the real problems were differences of opinion over meetings, particularly the January and February meetings, where, of course, my view was that since the three, Mr. Mitchell, Mr. Dean, and I, had agreed to my testimony that they, therefore, should stay with that agreement.

Mr. Mitchell indicated, of course, he was willing to do this but Mr. Dean indicated that he had some question about it.

Mr. DASH. But, Mr. Magruder at this time everybody knew.

Mr. MAGRUDER. Mr. Haldeman——

Mr. DASH. Everybody knew that that agreement was an agreement based on a false story, was that not true?

Mr. MAGRUDER. Yes, that is correct.

Mr. DASH. And Mr. Haldeman knew that then, did he not?

Mr. MAGRUDER. I cannot recall in my meeting with him in January whether—yes, I am sure I did discuss those meetings, yes.

Mr. DASH. So the attempt to get together and agree on that meeting was an attempt to get together and agree on at least from your point of view, would be the full story?

Mr. MAGRUDER. That is correct, Mr. Haldeman recommended that Mr. Dean and Mr. Mitchell and I meet, which we did that afternoon.

Mr. DASH. What was the result of that meeting?

Mr. MAGRUDER. I realize that Mr. Dean had different opinions then as to what he would do probably, and so then my—I thought that probably it was more appropriate that even on that Monday that I get separate counsel so that I could get advice independent of the individuals who had participated with me in these activities.

Mr. DASH. In other words, you really could not agree at the meeting with Mr. Mitchell and Mr. Dean.

Mr. MAGRUDER. Well, it was cooperative.

Mr. DASH. What was Mr. Dean's position?

Mr. MAGRUDER. He would not indicate a position.

Mr. DASH. All right. Did there come a time when you did get independent counsel?

Mr. MAGRUDER. Yes, Mr. Parkinson, who was counsel of the committee, recommended Mr. Bierbower and on that Saturday I went to meet him, he was out of the country, and I met him and we agreed, he agreed to be my counsel that Saturday evening.

Mr. DASH. Did there come a time when you decided that you should go to the U.S. attorney's office?

Mr. MAGRUDER. Yes, that is correct.

Mr. DASH. When did you go to the U.S. attorney's office?

Mr. MAGRUDER. We agreed, they discussed the things with the U.S. attorney, I think on April 12 and I saw them informally on April 13 and saw them formally on April 14 on Saturday, April 14.

Mr. DASH. At that time did you tell everything to the assistant U.S. attorneys?

Mr. MAGRUDER. Yes, I cooperated.

Mr. DASH. Who did you meet with?

Mr. MAGRUDER. Mr. Silbert, Mr. Glanzer, and Mr. Campbell.

Mr. DASH. Did you tell them everything you are now telling this committee?

Mr. MAGRUDER. Yes.

Mr. DASH. Did you have a meeting afterward with Mr. Ehrlichman?

Mr. MAGRUDER. Yes, Mr. Ehrlichman called while I was with the U.S. attorneys and asked me would I come over and talk to him about the case. We talked to the U.S. attorneys and they agreed as a courtesy that we should and Mr. Bierbower and the other attorney with Mr. Bierbower and I went to see Mr. Ehrlichman that afternoon.

Mr. DASH. Then, according to that meeting that you had with Mr. Ehrlichman, what happened?

Mr. MAGRUDER. We told him in rather capsule form basically what I told you this morning.

Mr. DASH. All right.

Now, I have just two final questions. I want to go back to the time when you came back from California to Washington, putting you back

The United States Senate

Report of Proceedings

(K)

Hearing held before

Select Committee on Presidential Campaign Activities

SENATE RESOLUTION 60 -- GENERAL INVESTIGATION

CONFIDENTIAL

Tuesday, June 11, 1973

Washington, D.C.

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Jeb Magruder Testimony
SSC Executive Session
June 12, 1973

Mr. Magruder. Earlier than that.

Mr. Dash. -- tell us what happened.

Mr. Magruder. We knew the Grand Jury was reconvening and we knew one mistake the prosecutors made, and the only mistake in defense of the prosecutors, that I think they made is they somehow missed Mr. Reisner. I knew as soon as they got to him the thing would collapse and when they got -- when they all got to Mr. Reisner I was fully aware then much more so than McCord because I knew Mr. McCord's testimony would be hearsay but as soon as they got to Reisner I knew that the case would start collapsing rather quickly. So I went up to New York on a Tuesday and talked to Mr. Mitchell and went through the whole list of things I thought that I would need if I was going to be able to keep up with this story.

Mr. Dash. What was that?

Mr. Magruder. Oh, you know, family, taking care of the family, job, that kind of thing. Executive clemency.

Mr. Dash. What did Mr. Mitchell say?

Mr. Magruder. He was very positive but I knew he was only speaking for himself and he made that quite clear. In fact, I said I can't accept it just now from you because you are here in New York, so he asked me to meet with him and Haldeman the next day which I did. At that meeting -- I think Mr. Haldeman taped it as I understand -- Mr. Haldeman was very careful to say he would do anything he could as a friend to help me but he

couldn't speak for the President. There was a controversy over the meetings.

Mr. Dash. Who was present at that?

Mr. Magruder. Haldeman, Mitchell and myself.

Mr. Dash. When was that?

Mr. Magruder. The Wednesday after the Friday McCord -- the end of the trial. That would be March.

Mr. Dash. March 23 was when Mr. McCord's letter was read.

Mr. Magruder. Tuesday I went to New York, at Mr. Mitchell's request went to New York, discussed the problem. I indicated -- I had already decided that if it got to a Grand Jury place again that I would not be able to personally go through this process again but that I would still try to hold if we could work out some reasonable way we could hold with that story. Then --

Mr. Dash. Then you.

Mr. Magruder. I went through with Mr. Mitchell all the questions.

Mr. Dash. You said that. You weren't satisfied.

Mr. Magruder. I asked to see Mr. Haldeman. We met with Mr. Haldeman next morning.

Mr. Dash. The 29th?

Mr. Magruder. The 29th.

Mr. Dash. Who was present?

Mr. Magruder. Just the three of us.

Mr. Dash. Mitchell --

Mr. Magruder. Haldeman and myself. He indicated he would do anything he could personally to help.

Mr. Dash. What did you say to Haldeman?

Mr. Magruder. In January I had explained to Mr. Haldeman the problem. I explained to him what had happened that night. I didn't know whether he knew the facts in the case and I explained to him all the facts in the case. I went through the whole story in January. This was an interview that he and I had about what I might do after the Inaugural.

Mr. Dash. Did he indicate he knew or didn't know when you told him?

Mr. Magruder. He didn't indicate anything. He just listened, said he understood the problem. That was always --

Mr. Dash. Now we are at March 29.

Mr. Magruder. He said he would do anything he could personally as a friend to help. He had always had been a very good friend and somebody I respected tremendously and enjoyed working for. He said you and John Dean and John Mitchell have to work out this situation. So Mitchell, Dean and I met and the conflict was over these meetings. My point was we all agreed that I would say this about those meetings. Now either you are going to support that or you are not. If you are not going to support that, I am in a serious jam here, and Mr. Dean wouldn't make any commitment. I became very

concerned at that knowing that Mr. Reisner was probably going to be following on one hand and Dean on the other hand. I went to the two attorneys. They said you --

Mr. Dash. Which two?

Mr. Magruder. Parkinson and O'Brien.

Mr. Dash. What did you tell them?

Mr. Magruder. I said I think I have got serious problems and went through the problems. If Mr. Reisner went, if Mr. Dean said this I would be the one caught in the box here.

Mr. Dash. Was this the first time you spoke to Mr. Parkinson and Mr. O'Brien about the matter of your involvement?

Mr. Magruder. I don't want to say the first time.

Mr. Dash. Earlier you had given Mr. Parkinson the full story.

Mr. Magruder. Yes. So I would say in any detail, yes, in detail. We mentioned it other times. I saw a lot of Parkinson and O'Brien during the entire investigation.

Mr. Dash. After the trial or before?

Mr. Magruder. After the trial.

Mr. Dash. After the trial did you then raise with Parkinson and O'Brien your involvement?

Mr. Magruder. Yes, and they suggested it might be time for me to get independent counsel and they suggested Mr. Bierbower and I went down to see Mr. Bierbower. Within six days we had agreed that the only alternative for me to do is to

...in, spent for the President. ... I could only over
the meetings.

Mr.

Mr. Magruder.

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Mr. Baldern next morning.

Mr. Dash. The 23rd?

Mr. Magruder. The 23rd.

Mr. Dash. Who was present?

Mr. Magruder. Just the two of us.

... was probably going to be following in the same line as the other two. I

Mr. Dash. What?

Mr. Magruder. Parkinson and O'Brien.

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Mr. Magruder. After the trial.

Mr. Dash. After the trial did you then raise with Parkinson and O'Brien your involvement?

Mr. Magruder. Yes and they suggested it might be time for me to get out of the box and they suggested that

17. On March 28, 1973 John Ehrlichman telephoned Attorney General Kleindienst on the President's instructions and asked Kleindienst a series of questions which the President had dictated and which Ehrlichman had hand written on a piece of paper. Ehrlichman, during the conversation, told Kleindienst that the President directed him to tell the Attorney General that the best information he had or has is that neither Dean, Haldeman, Colson nor Ehrlichman nor anybody in the White House had any prior knowledge of the Watergate burglary: that the President was counting on the Attorney General to provide him with any information to the contrary and to contact him direct. Ehrlichman also told the Attorney General that serious questions are being raised with regard to John Mitchell and the President wanted the Attorney General to communicate to him any evidence or inferences on that subject.

- 17.1 John Ehrlichman log, March 28, 1973 (received from SSC).
- 17.2 John Ehrlichman testimony, 7 SSC 2747-50.
- 17.3 Richard Kleindienst testimony, 9 SSC 3569.
- 17.4 Transcript of recorded telephone conversation between Ehrlichman and Kleindienst, March 28, 1973, SSC Exhibit No. 99, 7 SSC 2944-46.
- 17.5 Dictabelt recording of a telephone conversation between Ehrlichman and Kleindienst on or about March 28, 1973 and House Judiciary Committee transcript thereof.
- 17.6 President Nixon statement, August 15, 1973, 9 Presidential Documents 993.
- 17.7 President Nixon news conference, August 22, 1973, 9 Presidential Documents 1019.

TUESDAY, MARCH 27, 1973

✓ 8:15 HRH office
 9:45 Cole, Whitaker, Sneed, Garment (Wounded Knee)
 11-1 President
 2:30 Phone interview with Oakland Community College (Detroit)
 Eric Thuma
 3:30 Haircut
 4:45 David Young

✓ WEDNESDAY, MARCH 28, 1973

8:15 JDE office (HRH group)
 9:30 Sneed, Whitaker, Garment, Hullin (Wounded Knee)
 10:30 Call to AG
 11:00 Natinn's Business cover story interview (Jack Wooldridge,
 Robert Gray, Wilbur Martin)
 3:00 Julie Eisenhower
 3:30 Aldo Beckman, Glen Elsasser, Louise Hutchinson, Ed Rohrbach

✓ THURSDAY, MARCH 29, 1973

8:15 HRH office
 9:30 American Newspaper Publishers Association
 Wellington Hotel
 11:00 Energy meeting - Shultz, Kissinger, Scowcroft, DiBona, Simon
 1:30 Lunch in HRH office
 2:40 President
 4:30 Timmons
 5:00 Timmons, Pat Gray
 5:30 President
 7:00 Dixie Lee Ray

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972

SENATE RESOLUTION 60

HEARINGS

BEFORE THE

SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES

OF THE

UNITED STATES SENATE

NINETY-THIRD CONGRESS

FIRST SESSION

WATERGATE AND RELATED ACTIVITIES

Phase I: Watergate Investigation

WASHINGTON, D.C., JULY 26, 27, AND 30, 1973

Book 7



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other words, he was not going to move against anybody until he had this down and could see what this fellow really had and then would go forward.

Senator GURNEY. Well now, around about this time or somewhat later, and there are so many meetings here that I have really forgotten which occurred when, so perhaps I am going to have to rely on you for that, but did the President lift the phone up at any time and say, "John I want you to come over to the office here and talk about Watergate, what you know about it."

Mr. EHRLICHMAN. No, sir, not until way late in the game. He lifted up the phone one day and called me down and said, "I am satisfied that John Dean is in this so deeply that he simply cannot any longer have anything to do with it."

Senator GURNEY. That is when he transferred the assignment to you?

Mr. EHRLICHMAN. Yes, sir.

Senator GURNEY. What date was that?

Mr. EHRLICHMAN. March 30.

Senator GURNEY. And tell us again precisely what transpired in that phone conversation beyond what you have already.

Mr. EHRLICHMAN. Well, that was a meeting in the President's office on March 30, and it was, as I recall, quite brief. We had had, we were getting ready to leave that same day, as a matter of fact, for California, and he called me down, I am looking for the time to help me, to recall the time of departure here. Yes, we leave at 3 o'clock in the afternoon, we had had a long meeting that morning with Secretary Shultz and Mr. Sonnenfeld about the economy, and that ran from 9 a.m. to about, I don't know, what, 10 a.m. or 11 a.m., something of that kind, a long session, as I recall. He called me down for just about 10 minutes at noontime, and said what I have just told you, and I said, "Well, what is it you expect me to do basically" and he said, "I want you to step into what Dean has been doing here. I need to know about executive privilege, I need to know about attorney-client privilege, I need to have somebody set this strategy with regard to testifying at the committee and the grand jury and these other places and I need to know where the truth lies in this thing." And the only tipoff that I had had to that was a request from him on the 27th, I believe it was, yes, on the 27th.

Senator GURNEY. Is that the meeting between 11 a.m. and 1 p.m. with the President?

Mr. EHRLICHMAN. I believe—yes, yes indeed. That was for the purpose of dictating to me a list of questions that he wanted put to the Attorney General, and I believe that telephone call to the Attorney General which actually was not completed until the next day because he was traveling, is in your file, phone call with Kleindienst on the 28th, and I then went down a handwritten list of questions that the President had put to me about the progress of the case, about the involvement of John Mitchell, possible, any possible evidence that Kleindienst might have, any possible evidence of anybody else being involved at the Committee To Re-Elect, any evidence of any White House staff being involved and the President told me to tell the Attorney General that if he had any such evidence or if he developed any

such evidence, that he was then to transmit it directly to the President, not through me, not through anybody else at the White House but direct to the President, and in that message I did, as you see in the transcript, that I did transmit to the Attorney General.

Senator GURNEY. Do we have those questions that he——

Mr. EHRLICHMAN. No, sir, you do not. They are a part of my notes of the meeting of the 27th which are in the President's file.

Senator GURNEY. How many questions were there?

Mr. EHRLICHMAN. Well, there are about 10 or 12 topics, I think, written out on a piece of paper.

Senator GURNEY. Would you give us to the best of your recollection what the topics were and what the questions were?

Mr. EHRLICHMAN. I think I can do that best, Senator, by looking at that telephone conversation and—because I think that that transcript is quite faithful to the list. I just went down the list in talking with the Attorney General. I don't seem to have that in my——

Senator GURNEY. The telephone.

Mr. EHRLICHMAN. The telephone call with Mr. Kleindienst on the 28th.

Senator GURNEY. I wonder if the committee would hand this to the witness, Mr. Ehrlichman. That apparently is it. If we have another copy I wish I could have it, too, but I think it is better you have it at the moment.

Mr. EHRLICHMAN. We have a copy here; I may have stuck it back in the file.

Thank you very much.

Senator GURNEY. I have a copy here now.

Senator ERVIN. Let the reporter assign that the appropriate exhibit number.

[The document referred to was marked exhibit No. 99.*]

Mr. EHRLICHMAN. Actually the first sentence, as I recall, is only partly on this transcript and it said, "There are a number of things the President wanted me to cover with you," and only the latter half of that sentence is in the transcript.

Senator GURNEY. If we could, Mr. Ehrlichman, this is very important, but if you could summarize these as briefly as you can it will help out the committee because I think my own time is running out here.

Mr. EHRLICHMAN. You will see in the fourth paragraph I said, "No. 1, he wanted me to ask you these two things that I did yesterday about the grand jury and about Baker," meaning Senator Baker, and then we go into an inquiry about some statements that Senator Weicker had made to the press which the President had asked Pat Gray to check into. Then, and the President wanted a report on whether Senator Weicker had any evidence or not to support these assertions.

Senator GURNEY. I think perhaps you had better explain a little more about Senator Baker who is not here so we can know that there is no——

Mr. EHRLICHMAN. Well, the President had designated John Dean as the White House contact on Watergate, or the White House leadman on Watergate, as I say in February. He had also designated the Attorney General as the administration contact to the committee, and had

*See p. 2944.

asked the Attorney General to be in touch with Senator Baker with regard to committee rules and technical matters of that kind.

Senator GURNEY. This was just a liaison matter?

Mr. EHRLICHMAN. Yes, sir.

Senator GURNEY. So he can find out what was going on, what the committee planned to do, that sort of thing?

Mr. EHRLICHMAN. That is correct. So he was asking for a report from the Attorney General on that.

By the way, it comes back to me that in the meeting that Dean and Mitchell and Haldeman and I had in the President's office on the 22d that the President had picked up the phone and called the Attorney General and had given him some questions to ask Senator Baker about committee timing and that kind of thing so that he would be advised of the facts, and he had not yet had the report back from the Attorney General on that.

Then this first page is about Senator Weicker's statements, which was one of the items on the list.

Then at the bottom of page 2 I said, "The President said for me to say this to you that the best information he has had and has, is that neither Dean nor Haldeman nor Colson nor I nor anybody in the committee has had any prior knowledge of this burglary. He said that he is counting on you to provide him with any information to the contrary if it ever turns up. And you just contact him direct. Now as far as the Committee To Re-Elect is concerned he said that serious questions somebody raised with regard to Mitchell and he would likewise want you to communicate with him any evidence or inferences from evidence on that subject."

Senator GURNEY. I think we had better stop there.

The chairman points out to me that we have a vote on the Senate floor.

Senator ERVIN. We will stand in recess.

[Recess.]

Senator ERVIN. Senator Gurney will resume the questioning of the witness.

Senator GURNEY. I think we were there at the bottom of page 2, Mr. Ehrlichman.

Mr. EHRLICHMAN. Yes, sir; I saw during recess that I had skipped over the Attorney General's remarks in the middle of page 2 where in response to my general inquiry, a previous inquiry also, he said he has been emphasizing publicly that "The President wanted the matter investigated, to let the chips fall where they may, but second, if anybody has any information we not only want it, we expect to get it, so we can investigate it and if these indict other people and that anybody who withheld information would be obstructing justice." The Attorney General was saying this to the press and he was getting this out in every way that he knew how.

Now, then at the top of page 3 the significance of the McCord letter which was drafted by Mr. McCord and handed to Judge Sirica and which Judge Sirica read publicly was discussed and evaluated by the Attorney General.

Then, we return to the question about whether or not Mr. Mitchell was involved, and that led to a statement by the Attorney General that

if Mr. Mitchell were to be involved, and he says here that he has no evidence at this time that he is, but if he were, that we should give some thought in such an event to having a special prosecutor, the Attorney General would feel he would have to recuse himself. Then I asked him what the President's position would be in the event of such a thing and at the bottom of page 3 and middle of page 4 he advises such a procedure. Then we discussed, and again this is an item on my list, the matter of immunity; who determines whether immunity will be granted mechanically, and he said the Department of Justice determined that insofar as the grand jury was concerned but so far as the Senate committee is concerned that it made that determination in conjunction, I don't think he said in conjunction with the court, but that these were two separate procedures.

Then another item on my list was the status of the court action which I have referred to previously in testimony here, in answer to a question by Senator Weicker, and then finally I was asked to tell him that there was a possibility that the President wanted to see him in San Clemente the following Saturday. The Attorney General at that time was in Arizona, was planning to be in Los Angeles, and in point of fact that meeting did take place in San Clemente subsequent to this phone call.

Senator GURNEY. Did the President tell you at the time he gave these questions to you why he was asking you to inquire of the Attorney General rather than Mr. Dean, did that come up?

Mr. EHRLICHMAN. No, sir, it did not come up and I did not ask.

Senator GURNEY. But in retrospect you think he was perhaps having doubts whether he was getting a full story or not?

Mr. EHRLICHMAN. Yes, up until then Mr. Dean had been the contact with the Attorney General in matters of this kind.

Senator GURNEY. Then on what date did the President give this full assignment to you to run Watergate down for him?

Mr. EHRLICHMAN. Two days later.

Senator GURNEY. I think I had better stop there, Mr. Chairman, because I have taken enough time.

Senator ERVIN. Well, Senator, I would not want to cut you off. This is a very serious investigation we are making and you could proceed until noon if you have further questions and then we can recess for the lunch hour.

Senator GURNEY. Thank you, Mr. Chairman.

Let me then complete, if we can, the assignment you had from the President to now, be the sort of chief Watergate investigator in the White House.

Would you tell the committee about that, what you found and what you reported to the President?

Mr. EHRLICHMAN. I have tried to disclaim the designation "investigator," Senator, because I don't consider what I did to be an investigation, to a conclusive result.

Senator GURNEY. You certainly can define your role. I didn't mean to imply something you were not doing.

Mr. EHRLICHMAN. I had to get up to speed on this. I was not following the law on the matter and so the first thing that I did in another conversation with the Attorney General was to arrange to have someone in the Department of Justice prepare for me a thorough brief of

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1973

SENATE RESOLUTION 60

HEARINGS

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OF THE

UNITED STATES SENATE

NINETY-THIRD CONGRESS

FIRST SESSION

WATERGATE AND RELATED ACTIVITIES

Phase I: Watergate Investigation

WASHINGTON, D.C., AUGUST 3, 6, 7; SEPTEMBER 24 AND 25, 1973

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have a new Attorney General, confirmation and all the problems, and somebody coming in brandnew right now."

As I always have tried to do, I tried to respect the wishes of the President of the United States. I said, "I hope it is not going to be long after September. I won't be thinking of that date now. I want to get out of here as soon as I can, but I will agree with you that I will not submit my resignation in September."

Mr. DORSEN. I am going to pass by certain other events that occurred in this period, including any role you may have played in the confirmation hearings of Mr. Gray, your receipt of any records from the CIA, and discussions as to the role you were perhaps to play in connection with this committee, and direct your attention instead at this time to a conversation I believe you had with Mr. Ehrlichman on March 28, 1973.

Do you recall that conversation?

Mr. KLEINDIENST. No, sir.

Mr. DORSEN. May we have shown to the witness what purports to be a transcript of a conversation on March 28, 1973, between Mr. Kleindienst and Mr. Ehrlichman?

Mr. KLEINDIENST. Is that the one that Mr. Ehrlichman taped?

Mr. DORSEN. That is correct.

Mr. KLEINDIENST. Then I—I have had my memory vividly refreshed with respect to that conversation.

Mr. DORSEN. Did Mr. Ehrlichman, before that conversation started, tell you he was taping it?

Mr. KLEINDIENST. No, sir. And if he had, some of the words that I used and that appear in this exhibit would not have been said by me, Mr. Dorsen.

Mr. DORSEN. Well, in the interests of moving along I will not attempt to question you about the contents of that conversation but merely about Mr. Ehrlichman's not advising you.

Do you know whether Mr. Ehrlichman made a practice of recording these phone calls?

Mr. KLEINDIENST. I don't know. I learned of this as a result of these hearings. I don't think I have language, appropriate language in a public hearing of this kind, to describe the reaction that I had when I learned of this. I think it is reprehensible. I think it is incredible. The concept of somebody at the White House taping a telephone conversation with the Attorney General of the United States when he is talking to them about business that relates to the President of the United States is just beyond my comprehension. And like I say, I don't want to be subjective but I don't think I have at my command language that adequately expresses my feelings about this incident.

Mr. DORSEN. Does that document that I have shown you appear to be an accurate transcription of the conversation?

Mr. KLEINDIENST. I think so.

Mr. DORSEN. Mr. Chairman, may I request that the transcript be placed in evidence?

Mr. KLEINDIENST. I would like to have the opportunity for the benefit of two persons who used to be friends of mine, Senator Weicker and Judge Sirica, to explain some of the concepts that I had and why I used some of the language that I did as a result of my conversation with Mr. Ehrlichman.

PRESIDENTIAL CAMPAIGN ACTIVITIES OF 1972
SENATE RESOLUTION 60

HEARINGS
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SELECT COMMITTEE ON
PRESIDENTIAL CAMPAIGN ACTIVITIES
OF THE
UNITED STATES SENATE
NINETY-THIRD CONGRESS
FIRST SESSION

WATERGATE AND RELATED ACTIVITIES

Phase I: Watergate Investigation

WASHINGTON, D.C., JULY 26, 27, AND 30, 1973

Book 7



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NOTE.—Figures in parentheses indicate page that exhibit was officially made part of the record.

EXHIBIT No. 99

Conversation with AG Kleindienst, March 28, 1973

K. Kleindienst.
E. Ehrlichman.

E. The President wanted me to cover with you. Are you on an outside line?

K. I'm at my parents' house.

E. Oh, fine, OK, so it's a direct line? Number one, he wanted me to ask you those two things that I did yesterday about the grand jury and about Baker. He had me call Pat Gray and have Pat contact Lowell Weicker to ask Weicker about this second story that he put out yesterday to the effect that he had information about White House involvement. And Weicker told Gray that he was talking there about political sabotage and not about the Water-gate.

K. About the Segretti case?

E. Yeah, and that he was quite vague with Pat as to what he had.

K. I called him also, you know, after I talked to the President on Monday.

E. Well, the President's feeling is that it wouldn't be too bad for you in your press conferences in the next couple of days to take a swing at that and just say we contacted the Senator because we continue to exercise diligence in this thing and we're determined to track down every lead and it turns out he doesn't have anything.

K. I would really at this delicate point question the advisability of provoking, you know, a confrontation with Weicker. He's essentially with us, he and Baker get along good.

E. Is he?

K. Baker has had a long talk with him and told him to shut up and said that he would and I talked with him on Sunday after he said he didn't have anything but he's kind of an excitable kid and we just might not want to alienate him and I think that if he finds himself in a direct word battle with the White House and me and loses face about it I think in the long run we might need that guy's vote.

E. I see. You don't think that this is evidence of alienation to the point of no return then?

K. No. You mean by Lowell?

E. Yeah.

K. No I don't. He's pretty disenchanted with the whole concept of it. Connecticut politician—

E. Well, use your own judgment on it, Richard.

K. On TV I guess 7 or 8 times this Sunday when I finished my testimony before my appropriations committee all three networks I referred to the letter that I sent to Sirica and I also emphasized and repeatedly said (a) the President wants this investigated, let the chips fall where they will but secondly that if anybody has any information we not only want it we expect to get it so we can investigate it and if necessary indict other people and that anybody who withholds information like that is obstructing justice. But I did not refer to Weicker. And my judgment right now is not to do so.

E. OK, OK.

K. If he gets to that point, the hell with him.

E. Well, our uneducated and uninformed impression was that he was trying to develop an attack line here on the White House or the President.

K. If that . . . if we would conclude that that is what he's up to that he is completely alienated then I say we've got to take him on.

E. Well, keep track of that and you'll be talking to Baker and you get a feel of it. OK, now, the President said for me to say this to you. That the best information he had and has is that neither Dean nor Haldeman nor Colson nor I nor anybody in the White House had any prior knowledge of this

burglary. He said that he's counting on you to provide him with any information to the contrary if it ever turns up and you just contact him direct. Now as far as the Committee to re-elect is concerned he said that serious questions are being raised with regard to Mitchell and he would likewise want you to communicate to him any evidence or inferences from evidence on that subject.

- K. With respect to them, unless something develops with these 7 people who were convicted all those people testified under oath before a grand jury and their testimony was not contradictory and until something comes along I think this fellow McCord if he has something besides his own testimony in addition to that to refute the sworn testimony, then you'd have to do it. The comment that I made yesterday about McCord was that it takes—
- E. Take him for what he is.
- K. He's facing a long jail sentence and he has all kinds of motives to say all kinds of things but I also pointed out that most of the people, well, these people who were involved were interviewed by the FBI and they testified under oath before a grand jury to the contrary of what McCord is saying. But I understand the President's direction.
- E. He's concerned about Mitchell.
- K. So am I.
- E. And he would want to have a private communication from you if you are possessed of any information that you think he ought to have with regard to John.
- K. Now he ought to think about John—McCord or Liddy or Hunt or any of these 7, you know, testify under oath specifically to their knowledge they have a basis for saying so that Mitchell or any of these guys knew about it; we have a very serious problem. Possible perjury, possibility of going back to the grand jury, they have a grand jury determine when anyone should be indicted. When you talk about Mitchell and me that really creates the highest conflict of interest. And we want to give some thought to having in such an event having a special prosecutor.
- E. What is the procedure for that?
- K. Well, I don't know. I think that the President could appoint somebody as a special prosecutor to direct the FBI to cooperate with him, giving them an opportunity to hire some attorneys, you know, on his staff and then just have complete authority to have his own investigation and if there's evidence that comes out that there were acts of criminal behavior have them presented to a grand jury then proceed with it.
- E. Could you have somebody brief out how that's done? Just so we know? And the question would be whether the President or Sirica or you or you know who actually does it?
- K. Well it wouldn't be the judge. The judge has no jurisdiction. I think it would be the President.
- E. OK.
- K. But it has its own problems that by doing that you in effect say publicly well OK the Department of Justice and the Attorney General the U.S. Attorney and the FBI all corrupt. I've now found that out and have got to get myself a new—
- E. Of course we've resisted that right straight through.
- K. I think that we have to do it in the event that it appears that Mitchell himself is going to be involved in any further litigation because all the men who are doing this who have worked for him been appointed and I think if it came down to him that that's what I would seriously start thinking about, recommending.
- E. Also this business of the grant of immunity to witnesses before the grand jury, is that peculiarly in the province of the court?
- K. No, that's the Department of Justice.
- E. That is?
- K. In almost every criminal case of any consequence when we convict somebody the next thing to do is haul them back in before a grand jury to find out what they know. You have to do it in this case—always going to do it. Quite a limitation posed on us John is that—who couldn't cut it (inaudible). But you have two really distinct situations here. You have the Watergate inquiry by Senator Ervin, that's the political side of it. And then you have the obligation imposed upon us to investigate criminal conduct. Two separate distinct operations. They're getting all fuzzed up.

- E. What progress are they making right now, have you had a reading on it?
- K. Well, the last time I talked to Henry Monday because of Sirica's sentencing procedures it got a little boxed up. Sirica is really lousing this thing up. I don't know. I'm going to talk to Petersen this morning and I'll call you back.
- E. OK, great, that's all I had on my list.
- K. Thanks, John.
- E. Now, he said that there was a possibility he'd like to see you in San Clemente Saturday morning first thing. So you might just keep that in the back of your mind. Don't rearrange any of your schedules or anything but I'll let you know if that materializes. We'd send a chopper up to LA for you. Thank you.
- K. OK.

TRANSCRIPT PREPARED BY THE IMPEACHMENT INQUIRY
STAFF FOR THE HOUSE JUDICIARY COMMITTEE OF A
RECORDING OF A TELEPHONE CONVERSATION BETWEEN
RICHARD G. KLEINDIENST AND JOHN D. EHRLICHMAN
ON MARCH 28, 1973

EHRLICHMAN: Uh, the President wanted me to cover with you -- are
you on an outside line?

KLEINDIENST: I'm at my parents' house.

EHRLICHMAN: Oh, fine, okay, so it's a direct line?

KLEINDIENST: No problem.

EHRLICHMAN: Uh, number one, he wanted me to ask you those two things
that I did yesterday about the grand jury and about
Baker. Uh, he had me call Pat, Pat Gray and have Pat
contact Lowell Weicker to ask Weicker about this second
story that he put out yesterday to the effect that he had
information about White House involvement. And, uh,
Weicker told Gray that, uh, uh, he was talking there
about political sabotage and not about the Watergate.

KLEINDIENST: Talking about the Segretti testimony.

EHRLICHMAN: Yeah, yeah, and that, uh, uh he was quite vague with Pat
as to what he had.

KLEINDIENST: Yeah, I called, I called him also, you know, after I talked to the President on

EHRlichMAN: Yeah.

KLEINDIENST: Monday [unintelligible]

EHRlichMAN: Right. Well, the President's feeling is that, uh, it wouldn't be too bad for you in your press conferences in the next couple of days to take a, to take a swing at that

KLEINDIENST: Okay.

EHRlichMAN: and just say, uh, we contacted the Senator because we continue to exercise diligence in this thing and we're determined to track down every lead, and uh, it turns out he doesn't have anything.

KLEINDIENST: I would really, uh, at this delicate point question the advisability of provoking, you know, a confrontation with Weicker. He's essentially with us, he and Baker get along good.

EHRlichMAN: Is he?

KLEINDIENST: Baker is -- had a long talk with him and told him to shut up and said he would and I talked to him on

Sunday and, you know, after he said he didn't have anything, uh, but he's kind of an excitable kid and [clears throat] we just might, just might not want to, you know, alienate him and I think that if he finds himself in a direct word battle with the White House and me and if he gets his, you know, his face [chuckles] loses face about it

EHRlichman: Yeah.

KLEINDienst: I think in the long run we might need that guy's vote.

EHRlichman: I see.

KLEINDienst: You know.

EHRlichman: You think, you, you don't think that this is evidence of alienation to the point of, uh, no return then?

KLEINDienst: No. You mean by Lowell?

EHRlichman: Yeah.

KLEINDienst: No, I don't.

EHRlichman: Okay.

KLEINDienst: But it's, you know, he's pretty disenchanted with the whole concept of it and he is also willing to talk about this Connecticut politician --

EHRlichman: Well, use your own judgment on it, Richard.

KLEINDienst: In, uh, [clears throat] on T.V. I guess seven or eight times this Sunday when I finished my testimony before my appropriations committee [unintelligible] all three networks out there, I referred to the letter that I sent to Sirica and I also emphasized and repeatedly said (a) the President wants this investigated, let the chips fall where they will, but secondly that if anybody has any information, you know, uh, we not only want it, we expect to get it so you can investigate it and if necessary indict other people

EHRlichman: Right.

KLEINDienst: and that anybody who withholds information like that, you know, is, uh, obstructing justice.

EHRlichman: Right.

KLEINDienst: Uh, but I did not refer to Weicker.

EHRlichman: Okay.

KLEINDienst: And my, my judgment right now is not to do so.

EHRlichman: Okay, okay.

KLEINDIENST: If he gets to that point, the hell with him.

EHRlichMAN: Well --

KLEINDIENST: If he gets to that point, uh --

EHRlichMAN: our [clears throat] our, uh, uneducated and uninformed impression was that he was trying to develop, uh, uh, an attack line here on, uh, the White House or the President.

KLEINDIENST: Well, if that . . . if we would conclude, you know, that that is what he's up to, and that he is completely alienated, you know, then I say we've got to take him on.

EHRlichMAN: Well, keep, keep track of that and, uh, you'll be talking to Baker and, and you get a feel of it. Okay, now, the President said for me to say this to you. That [clears throat] the best information he had, and has, is that neither Dean nor Haldeman nor Colson nor I nor anybody in the White House had any prior knowledge of this burglary.

KLEINDIENST: Right.

EHRlichMAN: He said that, uh, he's counting on you to provide him with any information to the contrary if it ever turns up

KLEINDIENST: That's right.

EHRlichMAN: and, uh, you just contact him direct. Now as far as the Committee to Re-elect is concerned, uh, he said that, uh, uh, uh, serious questions are being raised with regard to Mitchell and, uh, he would likewise want you to communicate to him any, uh, evidence or inferences from evidence, uh, on that subject.

KLEINDIENST: Well, with respect to them, unless [clears throat] something develops, you know,² with these seven people who were convicted, you know, all those people testified under oath before a grand jury and their testimony was not contradicted, uh, and until something comes along I take this fellow McCord, you know, not that I --

EHRlichMAN: Yeah.

KLEINDIENST: indicate a link to Magruder -- if he has something besides his own testimony, you know, in addition to that to refute the sworn testimony, then you'd have to do it. The comment that I made yesterday about McCord was that it takes --

EHRlichMAN: [Unintelligible] Yeah.

KLEINDIENST: convicted felon.

EHRlichman: Yeah.

KLEINDienst: He's facing a long jail sentence and he has all kinds of motives to say all kinds of things but I also pointed out that [clears throat] most of the people, well, these people who were involved were interviewed by the FBI and they testified under oath before a grand jury to the contrary of what McCord is saying. So, but I'm, I understand the President's direction. [Unintelligible]

EHRlichman: He's, he's concerned about Mitchell, and uh,

KLEINDienst: So am I.

EHRlichman: Uh, he, he would want to have a private communication from you if you are, uh, possessed of any information that you think he ought to have, uh, with regard to John.

KLEINDienst: I understand.

EHRlichman: Uh, now, uh, he's up, he's --

KLEINDienst: Maybe you ought to think about John when you talk to the President -- If, if McCord or Liddy or Hunt or any of these seven, you know, uh, testify under oath specifically, you know, to their knowledge, you know, they have a basis for saying so that Mitchell or any of these guys knew about it;

EHRlichman: Um hm.

KLEINDienst: then we a, we have a very serious problem. You know, possible perjury, possibility of going back to the grand jury, they have a grand jury determine whether any one of them should be indicted. When you talk about Mitchell you know, uh, and myself, you know, that really creates, you know, the highest [chuckles] form of, you know, conflict of interest.

EHRlichman: Yeah.

KLEINDienst: You might say, and we might want to give some thought to having -- in such an event, having a special prosecutor.

EHRlichman: What is the procedure for that?

KLEINDienst: Well, I don't know. I, I think that the President could appoint somebody as a special prosecutor to direct the FBI to cooperate with him, giving them an opportunity to hire some attorneys, you know, on his staff and let him, uh, just have complete authority to have his own investigation and if there's evidence that comes out that there were acts of criminal behavior have them presented to a grand jury, you know, and then proceed with it.

EHRlichman: Could, could you have somebody brief out how that's done?

KLEINDIENST: Uh --

EHRlichMAN: Just so we know?

KLEINDIENST: Okay.

EHRlichMAN: And, uh, uh, uh, the question would be whether the President or Sirica or you or, or, you know, who actually does it?

KLEINDIENST: Yes, well, it wouldn't be the judge. The judge has no, no jurisdiction in the area.

EHRlichMAN: All right.

KLEINDIENST: I think it would be the President.

EHRlichMAN: All right.

KLEINDIENST: He would do it.

EHRlichMAN: Okay.

KLEINDIENST: But I, I, it has its own problems that by doing that you in effect say publicly well okay the Department of Justice and the Attorney General, the U. S. Attorney, and the FBI, you know --

EHRlichMAN: All corrupt.

KLEINDIENST: all corrupt.

EHRlichman: Yeah.

KLEINDienst: I've now found that out

EHRlichman: Yeah.

KLEINDienst: and I've got to get myself a new --

EHRlichman: Right. Well, of course we've resisted that

KLEINDienst: I know it.

EHRlichman: right straight through.

KLEINDienst: [Unintelligible] But I, but I think that we have to do it in the event that it appears that Mitchell himself is going to be involved

EHRlichman: I get it.

KLEINDienst: in any further litigation because all the men who are doing this who have worked for him -- been appointed, you know, uh, and I think that if it came down to him that that's what I would seriously start thinking about, recommending such an [unintelligible].

EHRlichman: Also this business of the grant of immunity to witnesses before the grand jury, uh, is that peculiarly in the province of the Court?

KLEINDIENST: No, that's the Department of Justice.

EHRlichMAN: That is?

KLEINDIENST: In almost every criminal case of any consequence when we convict somebody the next thing we do is haul them back in before a grand jury [unintelligible] to find out what they know.

EHRlichMAN: Uh huh.

KLEINDIENST: Uh, you have to do it in this⁷ case -- you're always going to do it in this case, notwithstanding Sirica.

EHRlichMAN: Yeah.

KLEINDIENST: Part of the limitation imposed upon us John is that he is the only one who can cut it in all this.

EHRlichMAN: Right.

KLEINDIENST: [Unintelligible] Progress.

EHRlichMAN: Right.

KLEINDIENST: Under conditions [unintelligible]. But [clears throat] you have two really distinct situations here. You have the Watergate inquiry by Senator Ervin, that's the political

EHRlichMAN: Yeah.

KLEINDIENST: [Unintelligible] And then you have the obligation imposed upon us to investigate criminal conduct.

EHRlichman: Yeah.

KLEINDIENST: And, and they are two separate distinct operations. They're getting all fuzzed up. That's the problem.

EHRlichman: What uh, uh, what progress are they making right now, have you had a reading on it?

KLEINDIENST: Well, the last time I talked with, with Henry uh, uh, Monday [clears throat] because of Sirica's sentencing procedures it got a little boxed up. Sirica has really loused this thing up. Uh, so, uh, I, I don't know. I'm going to talk to Petersen this morning and [unintelligible] if there is anything [unintelligible] Petersen, I'll call you back.

EHRlichman: Okay, great,

KLEINDIENST: Good enough.

EHRlichman: that's all I had on my list.

KLEINDIENST: Thanks, John.

EHRlichman: Now, uh, he said that, uh, there was a possibility he'd like to see you in San Clemente Saturday morning

KLEINDIENST: Saturday morning --

EHRlichMAN: first thing. So you might just keep that in the back of your mind. Don't rearrange any of your schedules or anything

KLEINDIENST: Right.

EHRlichMAN: but I'll let you know if that materializes.

KLEINDIENST: Okay.

EHRlichMAN: We'd send a chopper up to L. A. for you.

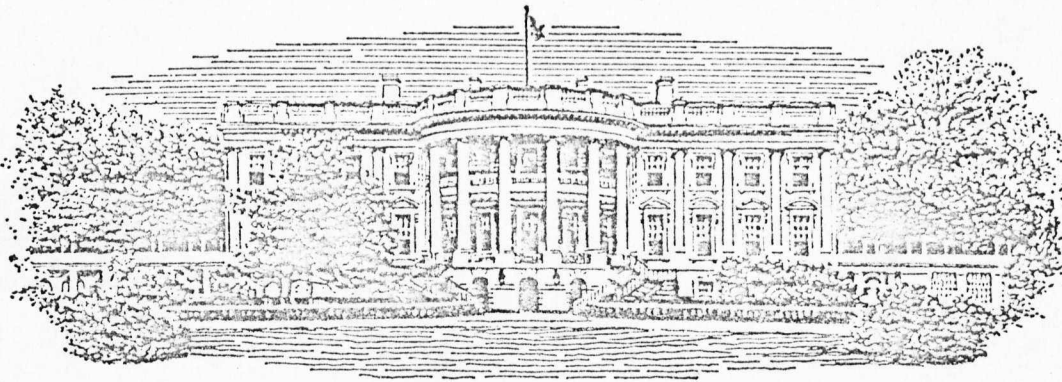
KLEINDIENST: Right.

EHRlichMAN: Okay.

KLEINDIENST: Right.

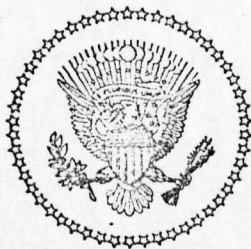
EHRlichMAN: Thank you.

KLEINDIENST: Bye.



Weekly Compilation of
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Monday, August 20, 1973



Volume 9 • Number 33

Pages 981-1005

The time has come to turn Watergate over to the courts, where the questions of guilt or innocence belong. The time has come for the rest of us to get on with the urgent business of our Nation.

Last November, the American people were given the clearest choice of this century. Your votes were a mandate, which I accepted, to complete the initiatives we began in my first term and to fulfill the promises I made for my second term.

This Administration was elected to control inflation—to reduce the power and size of Government—to cut the cost of Government so that you can cut the cost of living—to preserve and defend those fundamental values that have made America great—to keep the Nation's military strength second to none—to achieve peace with honor in Southeast Asia, and to bring home our prisoners of war—to build a new prosperity, without inflation and without war—to create a structure of peace in the world that would endure long after we are gone.

These are great goals, they are worthy of a great people, and I would not be true to your trust if I let myself be turned aside from achieving those goals.

If you share my belief in these goals—if you want the mandate you gave this Administration to be carried out—then I ask for your help to ensure that those who would exploit Watergate in order to keep us from doing what we were elected to do will not succeed.

I ask tonight for your understanding, so that as a Nation we can learn the lessons of Watergate and gain from that experience.

I ask for your help in reaffirming our dedication to the principles of decency, honor, and respect for the institutions that have sustained our progress through these past two centuries.

And I ask for your support in getting on once again with meeting your problems, improving your life, building your future.

With your help, with God's help, we will achieve those great goals for America.

° Thank you and good evening.

NOTE: The President spoke at 9 p.m. in his Oval Office at the White House. His address was broadcast live on radio and television.

The Watergate Investigation

Statement by the President. August 15, 1973

On May 17 the Senate Select Committee began its hearings on Watergate. Five days later, on May 22, I issued a detailed statement discussing my relationship to the matter. I stated categorically that I had no prior knowledge of the Watergate operation and that I neither knew of nor took part in any subsequent efforts to cover it up. I also stated that I would not invoke executive privilege as to testimony by present and former members of my White House Staff with respect to possible criminal acts then under investigation.

Thirty-five witnesses have testified so far. The record is more than 7,500 pages and some 2 million words long. The allegations are many, the facts are complicated, and

the evidence is not only extensive but very much in conflict. It would be neither fair nor appropriate for me to assess the evidence or comment on specific witnesses or their credibility. That is the function of the Senate Committee and the courts. What I intend to do here is to cover the principal issues relating to my own conduct which have been raised since my statement of May 22, and thereby to place the testimony on those issues in perspective.

I said on May 22 that I had no prior knowledge of the Watergate operation. In all the testimony, there is not the slightest evidence to the contrary. Not a single witness has testified that I had any knowledge of the planning for the Watergate break-in.

It is also true, as I said on May 22, that I took no part in, and was not aware of, any subsequent efforts to

write a complete report on all that he knew of the entire Watergate matter. On March 28, I had Mr. Ehrlichman call the Attorney General to find out if he had additional information about Watergate generally or White House involvement. The Attorney General was told that I wanted to hear directly from him, and not through any staff people, if he had any information on White House involvement or if information of that kind should come to him. The Attorney General indicated to Mr. Ehrlichman that he had no such information. When I learned on March 30 that Mr. Dean had been unable to complete his report, I instructed Mr. Ehrlichman to conduct an independent inquiry and bring all the facts to me. On April 14, Mr. Ehrlichman gave me his findings, and I directed that he report them to the Attorney General immediately. On April 15, Attorney General Kleindienst and Assistant Attorney General Petersen told me of new information that had been received by the prosecutors.

By that time the fragmentary information I had been given on March 21 had been supplemented in important ways, particularly by Mr. Ehrlichman's report to me on April 14, by the information Mr. Kleindienst and Mr. Petersen gave me on April 15, and by independent inquiries I had been making on my own. At that point, I realized that I would not be able personally to find out all of the facts and make them public, and I concluded that the matter was best handled by the Justice Department and the grand jury. On April 17, I announced that new inquiries were underway, as a result of what I had learned on March 21 and in my own investigation since that time. I instructed all Government employees to cooperate with the judicial process as it moved ahead on this matter and expressed my personal view that no immunity should be given to any individual who had held a position of major importance in this Administration.

My consistent position from the beginning has been to get out the facts about Watergate, not to cover them up.

On May 22 I said that at no time did I authorize any offer of executive clemency for the Watergate defendants, nor did I know of any such offer. I reaffirm that statement. Indeed, I made my view clear to Mr. Ehrlichman in July 1972, that under no circumstances could executive clemency be considered for those who participated in the Watergate break-in. I maintained that position throughout.

On May 22 I said that "it was not until the time of my own investigation that I learned of the break-in at the office of Mr. Ellsberg's psychiatrist, and I specifically authorized the furnishing of this information to Judge Byrne." After a very careful review, I have determined that this statement of mine is not precisely accurate. It was on March 17 that I first learned of the break-in at the office of Dr. Fielding, and that was 4 days before the beginning of my own investigation on March 21. I was

told then that nothing by way of evidence had been obtained in the break-in. On April 18 I learned that the Justice Department had interrogated or was going to interrogate Mr. Hunt about this break-in. I was gravely concerned that other activities of the Special Investigations Unit might be disclosed, because I knew this could seriously injure the national security. Consequently, I directed Mr. Petersen to stick to the Watergate investigation and stay out of national security matters. On April 25 Attorney General Kleindienst came to me and urged that the fact of the break-in should be disclosed to the court, despite the fact that, since no evidence had been obtained, the law did not clearly require it. I concurred and authorized him to report the break-in to Judge Byrne.

In view of the incident of Dr. Fielding's office, let me emphasize two things.

First, it was and is important that many of the matters worked on by the Special Investigations Unit not be publicly disclosed because disclosure would unquestionably damage the national security. This is why I have exercised executive privilege on some of these matters in connection with the testimony of Mr. Ehrlichman and others. The Senate Committee has learned through its investigation the general facts of some of these security matters and has to date wisely declined to make them public or to contest in these respects my claim of executive privilege.

Second, I at no time authorized the use of illegal means by the Special Investigations Unit, and I was not aware of the break-in of Dr. Fielding's office until March 17, 1973.

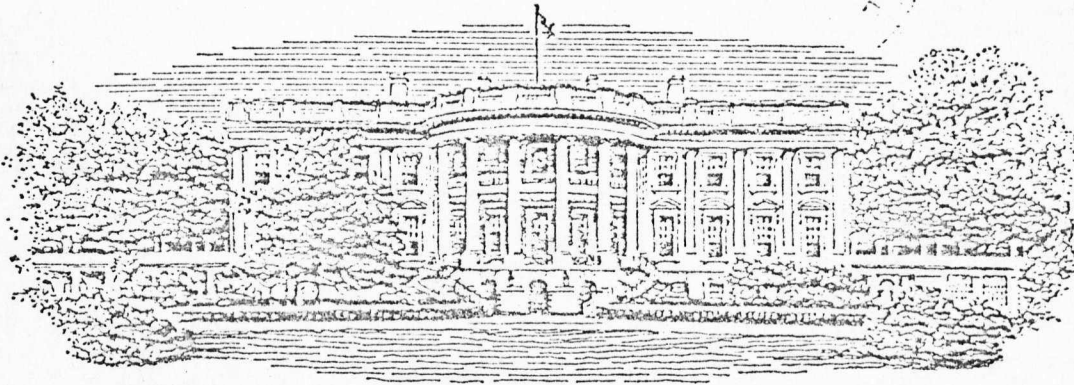
Many persons will ask why, when the facts are as I have stated them, I do not make public the tape recordings of my meetings and conversations with members of the White House Staff during this period.

I am aware that such terms as "separation of powers" and "executive privilege" are lawyers' terms, and that those doctrines have been called "abstruse" and "esoteric." Let me state the commonsense of the matter. Every day a President of the United States is required to make difficult decisions on grave issues. It is absolutely essential, if the President is to be able to do his job as the country expects, that he be able to talk openly and candidly with his advisers about issues and individuals and that they be able to talk in the same fashion with him. Indeed, on occasion, they must be able to "blow off steam" about important public figures. This kind of frank discussion is only possible when those who take part in it can feel assured that what they say is in the strictest confidence.

The Presidency is not the only office that requires confidentiality if it is to function effectively. A Member of Congress must be able to talk in confidence with his assistants. Judges must be able to confer in confidence with their law clerks and with each other. Throughout our entire history the need for this kind of confidentiality

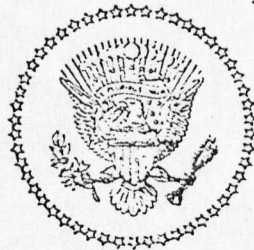
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AUG 2 1973



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Monday, August 27, 1973



Volume 9 • Number 34

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ACTION

*Announcement of Intention To Nominate
Harry J. Hogan To Be Associate Director for
Policy and Program Development.
August 21, 1973*

The President today announced his intention to nominate Harry J. Hogan, of Bethesda, Md., to be Associate Director of ACTION for Policy and Program Development. He will succeed Charles W. Ervin, who resigned effective September 4, 1973.

Since 1972, Mr. Hogan has been director of government relations for Catholic University, in Washington, D.C. From 1971 to 1972, he was engaged in the private practice of law, served as a consultant on educational and environmental matters, and was professor of law at Delaware Law School, in Wilmington, Del. From 1969 to 1971, he was counsel of the House Special Subcommittee on Education.

He was born on May 2, 1914, in Newark, N.J. Mr. Hogan was graduated magna cum laude from Princeton University, received his LL.B. from Columbia Law School, and received his Ph. D. in American History from George Washington University. He served in the U.S. Navy during World War II, attaining the rank of commander.

From 1947 to 1952, Mr. Hogan was on the legal staff of the Tennessee Valley Authority, the Bureau of Land Management, and the Bureau of Indian Affairs. From 1952 to 1961, he was engaged in the private practice of law in The Dalles, Oreg., where he was twice elected District Attorney (1956 and 1960). From 1961 to 1963, Mr. Hogan served as general counsel of the Bonneville Power Administration, in Portland, Oreg.; as Associate Solicitor for Water and Power of the Department of the Interior, and as Legislative Counsel of the Department of the Interior.

Mr. Hogan is married and has three daughters. The Hogans reside in Bethesda, Md.

NOTE: The announcement was released in San Clemente, Calif.

THE PRESIDENT'S NEWS CONFERENCE OF AUGUST 22, 1973

Held at the Western White House

SECRETARY OF STATE

THE PRESIDENT. Ladies and gentlemen, I have an announcement before going to your questions.

It is with the deep sense of not only official regret, but personal regret, that I announce the resignation of Secretary of State William Rogers, effective September 3. A letter, which will be released to the press after this conference, will indicate my appraisal of his work as Secretary of State.¹

I will simply say at this time that he wanted to leave at the conclusion of the first 4 years. He agreed to stay on because we had some enormously important problems coming up, including the negotiations which resulted in the end of the war in Vietnam, the Soviet summit, the European Security Conference, as well as in other areas—Latin America and in Asia—where the Secretary of State, as you know, has been quite busy over these past 8 months.

As he returns to private life, we will not only miss him, in terms of his official service, but I shall particularly miss him because of his having been, through the years, a very close personal friend and adviser.

That personal friendship and advice, however, I hope still to have the benefit of, and I know that I will.

¹ For an exchange of letters between the President and Secretary of State Rogers, see page 1025 of this issue.

THE PRESIDENT. I don't believe, first, it would satisfy the public mind, and it should not. The second point is that as Mr. Wright, who argued the case, I understand very well, before Judge Sirica this morning, has indicated, to have the tapes listened to—he indicated this also in his brief—either by a prosecutor or by a judge or *in camera*, or in any way, would violate the principle of confidentiality, and I believe he is correct. That is why we are standing firm on the proposition that we will not agree to the Senate committee's desire to have, for example, its chief investigator listen to the tapes, or the Special Prosecutor's desire to hear the tapes, and also why we will oppose, as Mr. Wright did in his argument this morning, any compromise of the principle of confidentiality.

Let me explain very carefully that the principle of confidentiality either exists or it does not exist. Once it is compromised, once it is known that a conversation that is held with the President can be subject to a subpoena by a Senate committee, by a grand jury, by a prosecutor, and be listened to by anyone, the principle of confidentiality is thereby irreparably damaged. Incidentally, let me say that now that tapes are no longer being made, I suppose it could be argued that, what difference does it make now, now that these tapes are also in the past. What is involved here is not only the tapes; what is involved, as you ladies and gentlemen well know, is the request on the part of the Senate committee and the Special Prosecutor, as well, that we turn over Presidential papers, in other words, the records of conversations with the President made by his associates. Those papers, and the tapes as well, cannot be turned over without breaching the principle of confidentiality. It was President Truman that made that argument very effectively in his letter to a Senate committee, or his response to a Congressional committee, a House committee it was, in 1953, when they asked him to turn over his papers. So whether it is a paper or whether it is a tape, what we have to bear in mind is that for a President to conduct the affairs of this office and conduct them effectively, he must be able to do so with the principle of confidentiality intact. Otherwise, the individuals who come to talk to him, whether it is his advisers, or whether it is a visitor in the domestic field, or whether it is someone in a foreign field, will always be speaking in a cunuch-like way, rather than laying it on the line as it has to be laid on the line if you are going to have the creative kind of discussion that we have often had, and it has been responsible for some of our successes in the foreign policy period, particularly in the past few years.

Q. Mr. President, could you tell us who you personally talked to in directing that investigations be made both in June of '72, shortly after the Watergate incident, and last March 21, when you got new evidence and ordered a more intensive investigation?

THE PRESIDENT. Certainly. In June, I, of course, talked to Mr. MacGregor first of all, who was the new chairman of the committee. He told me that he would conduct a thorough investigation as far as his entire com-

mittee staff was concerned. Apparently that investigation was very effective except for Mr. Magruder, who stayed on. But Mr. MacGregor does not have to assume responsibility for that. I say not responsibility for it because basically what happened there was that he believed Mr. Magruder, and many others have believed him, too. He proved, however, to be wrong.

In the White House, the investigation's responsibility was given to Mr. Ehrlichman at the highest level, and in turn he delegated them to Mr. Dean, the White House Counsel, something of which I was aware, and of which I approved.

Mr. Dean, as White House Counsel, therefore sat in on the FBI interrogations of the members of the White House Staff because what I wanted to know was whether any member of the White House Staff was in any way involved. If he was involved, he would be fired. And when we met on September 15, and again throughout our discussions in the month of March, Mr. Dean insisted that there was not—and I use his words—"a scintilla of evidence" indicating that anyone on the White House Staff was involved in the planning of the Watergate break-in.

Now, in terms of after March 21, Mr. Dean first was given the responsibility to write his own report, but I did not rest it there. I also had a contact made with the Attorney General himself, Attorney General Kleindienst, told him—it was on the 27th of March—to report to me directly anything that he found in this particular area, and I gave the responsibility to Mr. Ehrlichman on the 29th of March to continue the investigation that Mr. Dean was unable to conclude, having spent a week at Camp David and unable to finish the report.

Mr. Ehrlichman questioned a number of people in that period at my direction, including Mr. Mitchell, and I should also point out that as far as my own activities were concerned, I was not leaving it just to them. I met at great length with Mr. Ehrlichman, Mr. Haldeman, Mr. Dean and Mr. Mitchell on the 22d. I discussed the whole matter with them. I kept pressing for the view that I had had throughout, that we must get this story out, get the truth out, whatever and whoever it is going to hurt, and it was there that Mr. Mitchell suggested that all the individuals involved in the White House appear in an executive session before the Ervin committee. We never got that far, but at least that is an indication of the extent of my own investigation.

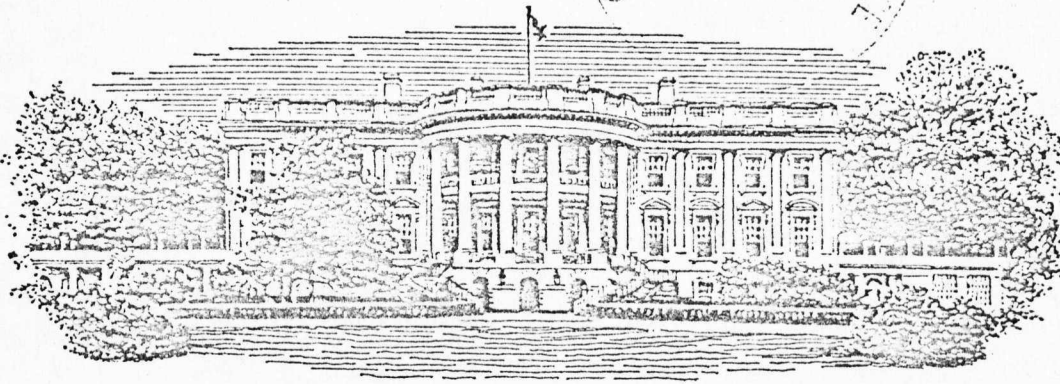
Q. Mr. President, you have said repeatedly that you tried to get all the facts, and just now you mentioned the March 22 meeting. Yet former Attorney General John Mitchell said that if you had ever asked him at any time about the Watergate matter, he would have told you the whole story, chapter and verse. Was Mr. Mitchell not speaking the truth when he said that before the committee?

THE PRESIDENT. Now, Mr. Lisagor, I am not going to question Mr. Mitchell's veracity, and I will only say that throughout I had confidence in Mr. Mitchell. Mr. Mitch-

18. On August 22, 1973 the President publicly stated that on the 29th of March he directed Ehrlichman to continue the investigation that Dean was unable to conclude.

18.1 President Nixon news conference, August 22, 1973,
9 Presidential Documents 1019.

AUG 23 1973



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THE PRESIDENT. Ladies and gentlemen, I have an announcement before going to your questions.

It is with the deep sense of not only official regret, but personal regret, that I announce the resignation of Secretary of State William Rogers, effective September 3. A letter, which will be released to the press after this conference, will indicate my appraisal of his work as Secretary of State.¹

I will simply say at this time that he wanted to leave at the conclusion of the first 4 years. He agreed to stay on because we had some enormously important problems coming up, including the negotiations which resulted in the end of the war in Vietnam, the Soviet summit, the European Security Conference, as well as in other areas—Latin America and in Asia—where the Secretary of State, as you know, has been quite busy over these past 8 months.

As he returns to private life, we will not only miss him, in terms of his official service, but I shall particularly miss him because of his having been, through the years, a very close personal friend and adviser.

That personal friendship and advice, however, I hope still to have the benefit of, and I know that I will.

¹ For an exchange of letters between the President and Secretary of State Rogers, see page 1025 of this issue.

THE PRESIDENT. I don't believe, first, it would satisfy the public mind, and it should not. The second point is that as Mr. Wright, who argued the case, I understand very well, before Judge Sirica this morning, has indicated, to have the tapes listened to—he indicated this also in his brief—either by a prosecutor or by a judge or *in camera*, or in any way, would violate the principle of confidentiality, and I believe he is correct. That is why we are standing firm on the proposition that we will not agree to the Senate committee's desire to have, for example, its chief investigator listen to the tapes, or the Special Prosecutor's desire to hear the tapes, and also why we will oppose, as Mr. Wright did in his argument this morning, any compromise of the principle of confidentiality.

Let me explain very carefully that the principle of confidentiality either exists or it does not exist. Once it is compromised, once it is known that a conversation that is held with the President can be subject to a subpoena by a Senate committee, by a grand jury, by a prosecutor, and be listened to by anyone, the principle of confidentiality is thereby irreparably damaged. Incidentally, let me say that now that tapes are no longer being made, I suppose it could be argued that, what difference does it make now, now that these tapes are also in the past. What is involved here is not only the tapes; what is involved, as you ladies and gentlemen well know, is the request on the part of the Senate committee and the Special Prosecutor, as well, that we turn over Presidential papers, in other words, the records of conversations with the President made by his associates. Those papers, and the tapes as well, cannot be turned over without breaching the principle of confidentiality. It was President Truman that made that argument very effectively in his letter to a Senate committee, or his response to a Congressional committee, a House committee it was, in 1953, when they asked him to turn over his papers. So whether it is a paper or whether it is a tape, what we have to bear in mind is that for a President to conduct the affairs of this office and conduct them effectively, he must be able to do so with the principle of confidentiality intact. Otherwise, the individuals who come to talk to him, whether it is his advisers, or whether it is a visitor in the domestic field, or whether it is someone in a foreign field, will always be speaking in a cunuch-like way, rather than laying it on the line as it has to be laid on the line if you are going to have the creative kind of discussion that we have often had, and it has been responsible for some of our successes in the foreign policy period, particularly in the past few years.

Q. Mr. President, could you tell us who you personally talked to in directing that investigations be made both in June of '72, shortly after the Watergate incident, and last March 21, when you got new evidence and ordered a more intensive investigation?

THE PRESIDENT. Certainly. In June, I, of course, talked to Mr. MacGregor first of all, who was the new chairman of the committee. He told me that he would conduct a thorough investigation as far as his entire com-

mittee staff was concerned. Apparently that investigation was very effective except for Mr. Magruder, who stayed on. But Mr. MacGregor does not have to assume responsibility for that. I say not responsibility for it because basically what happened there was that he believed Mr. Magruder, and many others have believed him, too. He proved, however, to be wrong.

In the White House, the investigation's responsibility was given to Mr. Ehrlichman at the highest level, and in turn he delegated them to Mr. Dean, the White House Counsel, something of which I was aware, and of which I approved.

Mr. Dean, as White House Counsel, therefore sat in on the FBI interrogations of the members of the White House Staff because what I wanted to know was whether any member of the White House Staff was in any way involved. If he was involved, he would be fired. And when we met on September 15, and again throughout our discussions in the month of March, Mr. Dean insisted that there was not—and I use his words—"a scintilla of evidence" indicating that anyone on the White House Staff was involved in the planning of the Watergate break-in.

Now, in terms of after March 21, Mr. Dean first was given the responsibility to write his own report, but I did not rest it there. I also had a contact made with the Attorney General himself, Attorney General Kleindienst, told him—it was on the 27th of March—to report to me directly anything that he found in this particular area, and I gave the responsibility to Mr. Ehrlichman on the 29th of March to continue the investigation that Mr. Dean was unable to conclude, having spent a week at Camp David and unable to finish the report.

Mr. Ehrlichman questioned a number of people in that period at my direction, including Mr. Mitchell, and I should also point out that as far as my own activities were concerned, I was not leaving it just to them. I met at great length with Mr. Ehrlichman, Mr. Haldeman, Mr. Dean and Mr. Mitchell on the 22d. I discussed the whole matter with them. I kept pressing for the view that I had had throughout, that we must get this story out, get the truth out, whatever and whoever it is going to hurt, and it was there that Mr. Mitchell suggested that all the individuals involved in the White House appear in an executive session before the Ervin committee. We never got that far, but at least that is an indication of the extent of my own investigation.

Q. Mr. President, you have said repeatedly that you tried to get all the facts, and just now you mentioned the March 22 meeting. Yet former Attorney General John Mitchell said that if you had ever asked him at any time about the Watergate matter, he would have told you the whole story, chapter and verse. Was Mr. Mitchell not speaking the truth when he said that before the committee?

THE PRESIDENT. Now, Mr. Lisagor, I am not going to question Mr. Mitchell's veracity, and I will only say that throughout I had confidence in Mr. Mitchell. Mr. Mitch-

19. On March 29, 1973 a report of James McCord's testimony at an executive session in the Senate Select Committee on March 28, 1973 appeared in the national press. The report said, among other things, that McCord testified that he had been told that John Mitchell, Charles Colson, John Dean and Jeb Magruder had prior knowledge of the Water-gate bugging operation.

19.1 Washington Post, March 29, 1973, A1, A18.

Washington Post, March 29, 1973: A1, A18

Mitchell Is Linked To Bugging Plans

By Bob Woodward and Carl Bernstein
Washington Post Staff Writers

James W. McCord Jr. testified under oath yesterday that he was told by his principal superior in the Watergate conspiracy—that former Attorney General John N. Mitchell had personally approved plans to bug the Democrats' headquarters, according to Senate sources.

McCord testified that his coconspirator and former White House aide, G. Gordon Liddy, told him that Mitchell had approved the plans and budget for the bugging while Mitchell was still serving as attorney general in February, 1972, the sources said.

According to the sources, McCord indicated that he knew of additional illegal wiretaps but would not discuss them with the Senate Watergate committee unless he is granted immunity from further prosecution.

McCord also said that he had been told by Liddy and former White House consultant E. Howard Hunt Jr., another conspirator, that presidential counsel John W. Dean III and former White House assistant Jeb Stuart Magruder had advance knowledge of the bugging operation, according to the sources.

In addition, the sources reported, McCord testified that he received "second-hand information" that Charles W. Colson, then special counsel to President Nixon, knew too that the Democrats' Watergate headquarters were to be placed under illegal electronic surveillance.

Colson has denied any advance knowledge of the bugging.

McCord's testimony was delivered in a 4½-hour, closed-door meeting of the Senate's select committee investigating the Watergate bugging and related acts of political espionage and sabotage. It came as Hunt was appearing before a grand jury at the same time. (Details on Page A22).

McCord is scheduled to appear again before the Senate committee next Wednesday, presumably when the committee will vote whether to grant him immunity from further prosecution.



JOHN N. MITCHELL
... named by McCord



CHARLES W. COLSON
... denies knowledge

One Senate source said that McCord's testimony about the alleged involvement of the high presidential aides was hearsay because his knowledge came from Liddy and Hunt.

Another of the sources said that McCord was very positive about the information he received from Liddy about Mitchell. "There was complete communication between McCord and Liddy about the subject," the source said.

That source, however, cautioned that McCord's information was not sufficient to prove illegal involvement of others in the celebrated conspiracy.

The sources said that McCord, the former security coordinator of the Committee for the Re-election of the President, provided leads in his testimony that could provide additional information about alleged involvement of those presidential aides.

See WATERGATE, A18, Col. 1

WATERGATE, From A1

In addition, the sources said that McCord had indicated that he could provide other substantiation of his charges.

The sources described the involvement of Mitchell, Dean Shumway said, and Magruder—described by McCord—as “active,” in the words of one, “meaning that they not only knew about it but were involved in aspects of it.”

DeVan L. Shumway, the press spokesman for the committee for the Re-election of the President, also denied last night, as he has in the past, that any of the officials named by McCord had any advance knowledge of the Watergate bugging.

“Well, I think that again that these are allegations that

are being leaked out of a committee without anyone being there to face his accusers and that these allegations are false, patently false. I think we’ve made that clear in the past,”

Shumway said the allegations have all been publicly denied previously by Mitchell, Magruder, Dean and Colson but “I cannot believe these allegations to be anywhere near the truth.” Shumway said

that the allegations were not surprising “considering the circumstances under which they were made.”

Asked by a reporter if by circumstances he meant the fact that McCord is facing a prison sentence, Shumway

said: “Yes, that would be one of the circumstances.”

Mitchell previously has denied any advance knowledge of the Watergate bugging. He could not be reached for comment last night.

Commenting on the 4½-hour session with McCord, Sen. Howard H. Baker (R-Tenn.), the acting chairman of yesterday’s meeting, said that McCord was cooperative and provided “significant information . . . covering a lot of territory.”

Hunt and McCord—both former CIA employees—have been implicated in apparently unprecedented spying and intelligence gathering operations conducted against radical political movements, the news media and the Democratic Party.

Included are disruptive activities aimed at Sen. Edmund

S. Muskie (D-Maine), the initial frontrunner for his party’s presidential nomination; spying and a bugging attempt against Sen. George S. McGovern (D-S.D.), the eventual nominee; seeking out information on the personal life of Sen. Edward M. Kennedy; an alleged attempt to discredit ITT lobbyist Dita Beard’s controversial memo linking the company’s antitrust settlement with a contribution for the Republican convention; an investigation of syndicated columnist Jack Anderson; investigations of leaks to the news media that, according to Time Magazine, included tapping reporters’ telephones; and infiltration of radical student groups and the Vietnam Veterans Against the War.

The latest round of Watergate developments began last Friday when McCord, Hunt and the five other Watergate conspirators were scheduled

to be sentenced by Chief U.S. District Judge John J. Sirica.

In open court, Sirica read a letter he had received from McCord who said he knew of “political pressure,” “perjury” and the involvement of others in the Watergate.

That afternoon and again on Saturday afternoon, McCord met voluntarily in secret sessions with Samuel Dash, the chief counsel of the Senate Watergate investigating committee. Dash then announced on Sunday at an unusual press conference that McCord had “named names” of others who allegedly had advance knowledge of the bugging of the Democrats’ Watergate headquarters, but Dash refused to disclose the names.

On Monday, The Los Angeles Times first reported, and other Senate sources later confirmed, that McCord had named presidential counsel Dean and former White House

aide Magruder as having advance knowledge of the bugging.

McCord then asked that he be allowed to testify under oath to the seven members of the Senate Watergate committee, and yesterday’s session was arranged.

Magruder again denied that he had any advance information about the Watergate bugging. Asked about reports from some of his friends that Magruder might be made a “sacrificial lamb” in the Watergate case, Magruder answered: “You mean by the White House? I have absolutely no reason to suspect that. I’m not worried.”

The four persons named by McCord were all high-ranking presidential advisers or assistants during the first four years of the Nixon administration.

Mitchell was the principal

architect of Mr. Nixon’s successful 1968 campaign strategy and resigned as attorney general to serve as the President’s campaign manager in the 1972 election. He then resigned as campaign manager two weeks after the Watergate bugging, citing his wife’s demands that he leave politics as the reason.

Dean, the director of all White House legal matters, reports directly to President Nixon and H. R. Haldeman, the White House chief of staff. He is the only one of those named by McCord who still holds a White House or cabinet position.

It was Dean who recommended to Magruder that Liddy be hired as general counsel of the committee for the Re-election of the President, according to Magruder’s testimony at the Watergate trial.

Magruder, a former key assistant to Haldeman, left the White House to become the interim manager of President Nixon’s re-election campaign until Mitchell took over as campaign manager. Magruder then was Mitchell’s principal deputy. After serving as director of Mr. Nixon’s Inaugural Committee, Magruder was named to a sub-cabinet post in the Commerce Department by the President.

Colson, who recently left the White House to enter private law practice, was special counsel to the President, reporting directly to Mr. Nixon and to Haldeman. Colson recommended that another of the men subsequently convicted in the Watergate conspiracy, Hunt, be hired as a White House consultant. Hunt worked under Colson for at least part of his White House tenure.